

Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

06/17/02

U.S. Army Corps of Engineers
C/O Richard Bonner
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Permit No. 0180701-001-EC, Dade County
U.S. Army Corps of Engineers
Miami River Federal Channel Maintenance Dredging

Dear Mr. Bonner:

Your request for a Conceptual Environmental Resource Permit, issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code, has been approved by the Department. Please read the enclosed permit and permit conditions closely before starting construction. Particularly note the permit conditions pertaining to written reports which must be submitted to the Department at specified times.

Please direct any questions regarding this document to me by letter at the above address (add Mail Station 300), or by telephone at (850) 487-4471, ext. 141.

Sincerely,

Kent Edwards, Environmental Consultant
Bureau of Beaches and Wetland Resources

cc:

Tim Rach, DEP, SE District
Betsy Hewitt, DEP, Office of General Counsel
David Mayer, DEP, CAMA
Inger Hansen, DEP, SE District
Mary Murphy, DEP, SE District

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Geetha Selvendran, DEP, SE District
Paul Wierzbicki, DEP, SE District
Greg Graves, DEP, SE District
Mark Thompson, DEP, SE District
Doug Strom, DEP, SE District
Steve Wolfe, DEP, Div. of Resource Assess. and Mgmt.
Bob Hall, DEP, OIP
Richard Tedder, DEP, Div. Waste Mgmt.
Gail Sloane, DEP, Div. Water Resource Mgmt.
Brad Hartman, FWC, BPSM
Carol Knox, FWC, BPSM
SFWMD, Regulation Dept.
Brad Riech, USFWS
Jim Boggs, USFWS
Mike Johnson, NMFS
Susan Markley, Miami-Dade Co. DERM
Lee Heedy, Miami-Dade Co. DERM
David Miller, Miami River Commission
Suzanne Tarr, Save the Manatee Club
Nancy Case O'Bourke, Case O'Bourke Eng.
Nancy Lee
Cynthia Guerra, Tropical Audubon Society
Ken Jones, PBSJ
Stacey Roberts, PBSJ
DEP, BBWR Permit Information Center
DEP, BBWR File



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CONCEPTUAL ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

U.S. Army Corps of Engineers
C/O Richard Bonner
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Permit/Authorization No.: 0180701-001-EC

Date of Issue: 06/17/02

Expiration Date : 06/17/22 as per 62-
343.110 F.A.C.

County: Dade

Project: Miami River Federal Channel
Maintenance Dredging

This conceptual permit is issued under the authority of Part IV of Chapter 373, F.S., Title 62, Florida Administrative Code (F.A.C.), and Section 62-343.060 F.A.C. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a preliminary finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

This permit also constitutes preliminary certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

The Department has hereby conceptually approved the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. **Construction is not authorized at this time. Final approval from the Department would require submittal of the information outlined below and issuance of a subsequent Environmental Resource Permit(s) for the proposed activities.**

Any work that exceeds the scope of activities covered herein, or any significant deviations from the proposed designs are not conceptually authorized by this permit. Such work would require an additional Environmental Resource Permit and sovereign submerged lands authorization.

ACTIVITY DESCRIPTION:

The project is to maintenance dredge approximately 877,500 cubic yards of material from the 5.5 mile length of the Federal channel in the Miami River. The dredge material will be dewatered at an interim disposal site located near the upstream end of the project. The final dredged material disposal method will be determined based on chemical analysis of the dewatered material and its leachate, and will be consistent with regulations for the protection of surface and groundwater at the disposal site. If water quality standards cannot be maintained within 150 meters of the dredging or discharge points, a variance would be required to extend the

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standard mixing zone for the identified water quality parameters. This mixing zone shall not extend seaward of the mouth of the river. Existing water quality in the Miami River is currently degraded. All reasonable efforts to minimize additional water quality impacts shall be taken, and only temporary impacts will be considered allowable. Mitigation will be required from the local sponsor, for any further impacts to current water quality in the area waterward of the mouth of the Miami River, even if the impacts are temporary in nature.

ACTIVITY LOCATION:

The activity is located in the Miami River, within the City of Miami, Dade County, Sections 27, 28, 33, 34, 35 Township 53 South, Range 41 East and Section 38 Township 54 South, Range 41 East, Class III Waters, within the Biscayne Bay Aquatic Preserve, Outstanding Florida Waters.

GENERAL CONDITIONS: (to be included in subsequent Environmental Resource Permits for construction of the proposed facilities):

1. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the Corps or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.
2. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).
3. The Corps shall obtain any applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.
4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign land of Florida seaward

of the mean high-water line, or, if established, the erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.

5. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under Section 373.421(2), F.S., provides otherwise.
6. Nothing herein conveys to the Corps or creates in the Corps any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or convey any vested rights or any exclusive privileges.
7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
8. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.
9. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
10. If historic or archaeological artifacts are discovered at any time on the project site, the Corps shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.
11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall

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be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

Abbreviations used in the Specific Conditions:

Department or DEP: Department of Environmental Protection
BBWR: Bureau of Beaches and Wetland Resources
USACE: U. S. Army Corps of Engineers
FWCC: Florida Fish and Wildlife Conservation Commission
DERM: Miami-Dade County DERM
NMFS: National Marine Fisheries Service
USFWS: U.S. Fish and Wildlife Service
ERP: Environmental Resource Permit
OFW: Outstanding Florida Water

1. This permit constitutes approval only of the details reflected in the staff report, and the attached drawings. This permit is binding on the issuance of future construction permits only to the extent that adequate data has been submitted for review by the applicant during the review process.
2. The Department's issuance of this conceptual approval permit provides the conceptual approval permit holder with assurance that the concepts upon which the engineering and environmental designs are based, are capable of providing for systems that meet Department rule criteria within the level of detail provided in the submitted plans and designs. A conceptual permit does not assure that a specific application for a construction permit will be granted. Future approvals shall be authorized only to the extent they are consistent with that information and the conditions of this conceptual approval permit. Primary areas for consistency comparisons include but are not limited to allowable discharge, wetland and other surface water impacts and proposed mitigation.
3. Pursuant to 62-343.110, F.A.C. the duration of conceptual permits is as follows:
"twenty years from the date of issuance of the conceptual approval permit, provided that a standard general or individual permit to construct the initial phase of construction is obtained, and construction of the initial phase has commenced within two years of the issuance of the conceptual approval permit. However, if the activity approved by the conceptual approval permit is undergoing a development-of-regional-impact review pursuant to Section 380.06, F.S., and an administrative appeal of that review has been filed, the permittee may toll the two year time period for permitting and undertaking construction by notifying the Department, in writing, within two years of issuance of the conceptual permit, that the development-of-regional-impact

review has been appealed. The applicant shall also notify the Department, in writing, of the final action resolving such administrative appeal. If proper notice is given as indicated above, the two year time period for permitting and undertaking construction shall be tolled from the date the administrative appeal of the development-of-regional-impact review is filed, to the date of final action resolving such administrative appeal."

4. This Conceptual Environmental Resource Permit (ERP) does not authorize any of the construction activities mentioned herein. Any such authorization shall require issuance of an Individual ERP. Subsequent Individual ERP's to conduct the work outlined in this Conceptual ERP shall include specific conditions to protect water quality and biological resources.

5. In the subsequent Individual ERP application(s), the permittee shall provide final construction details of the dredging project, conceptually approved herein. At a minimum, this information shall include the following:

- construction drawings (8 ½ X 11 and full size)
- construction schedule
- details regarding construction materials and methods
- plans to protect water quality (surface water and groundwater)
- plans for final disposal of spoil including design, residence time, and capacity of disposal sites
- plans for the protection of threatened and endangered species

6. Dredging operations shall be managed to minimize turbidity and dissolution of contaminants. Considerations shall include:

- monitoring river flows and adjustment of operations accordingly
- interaction with and scheduling of boat traffic on the river
- scheduling work on incoming tide, especially as work progresses toward the river mouth
- begin dredging at the upriver extent of the project and working toward the mouth

7. Dredging by hydraulic or sealed mechanical method is preferred, in order to minimize turbidity. The permittee is advised that open clamshell dredging may not be able to meet water quality standards, even with turbidity barriers and procedural modifications.

8. If use of a polymer or flocculant is proposed, adequate information will be necessary regarding the toxicity and water quality characteristics of the compound. This information shall include but not be limited to a Material Safety Data Sheet, toxicity to aquatic organisms, concentration in decant, and half-life. Information describing the method of introducing and

mixing the polymer will also be needed. Written approval by the Department would be required prior to the use of any polymer or flocculant.

9. If state water quality standards for turbidity and other water quality parameters cannot be met at the edge of the standard 150 meter mixing zone, issuance of the Individual ERP would require issuance of an associated variance for an expanded mixing zone. The application for this variance shall list the water quality parameter(s), and demonstrate that there are no practicable means known to meet the water quality standards within a 150 meter mixing zone. Issuance of the variance also requires assurance that water quality standards for an OFW can be met at the edge of the expanded mixing zone, pursuant to 62-302, 62-4.242 and 62-4.244, F.A.C. Also see the Water Quality Monitoring specific condition.

10. The Individual ERP shall include a mixing zone, pursuant to Sections 62-4.242 and .244 F.A.C., which shall not extend waterward of the mouth of the river. For the purposes of this project, the mouth of the river is defined as a line extending due north from the eastern boundary of Brickell Park.

11. Discharge from the disposal site, if proposed, shall be managed to reduce contaminant concentrations at the compliance point (edge of mixing zone), e.g. timed according to tide, discharge flow control, adjust discharge according to river flow.

12. Water Quality Monitoring

A Water Quality Monitoring Plan, designed cooperatively by the Department, the USACE, FWCC, Miami-Dade County DERM, NMFS, and USFWS, shall be developed prior to the issuance of an Individual ERP for this project. The plan will be included in the Individual ERP.

Depending on the selected design for dredging and disposal activities, the Water Quality Monitoring Plan may include the following items, or other items reasonably necessary to provide adequate protection of water quality. When the actual project design is selected, the monitoring will be designed to address specific concerns.

Prior to initiating dredging, and for a period adequate to establish background conditions, a pre-dredge monitoring program will be performed. The monitoring program will entail water quality sampling at the mouth of the river, an interim point, and at the disposal site. The monitoring report shall include the data and findings, shall be submitted to the Department prior to the initiation of dredging, and shall be adequate for establishing background conditions that will be used for comparison to data obtained during project monitoring. Flow data and other information shall also be collected, adequate to run a mixing model for the river.

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At initial start up and prior to any discharge of decant water from the disposal area, water in the disposal area will be monitored for those constituents which have the potential to cause an exceedance of their respective surface water standard, pursuant to 62-302 F.A.C. (e.g. eight RCRA metals, hardness, turbidity, pesticides/PCB's by EPA Method 8081/8082, PAH, tributyltin, Dioxin, etc.) and toxicity bioassay.

Water quality monitoring of the compliance point (edge of mixing zone), an intermediate river site, and disposal site discharge will also be required during the dredging project, for the same parameters listed above, with special attention to those parameters that have shown preconstruction exceedances of surface water standards. The sampling program may vary based on the location of the dredging operation along the river, for example near tributary branches, or as work progresses toward the mouth. Based on results from previous monitoring, the sampling program may be modified during the project, by submitting a justification for the Department's approval. The Department may modify the monitoring plan requirements where reasonably warranted, for example in the case of a change in dredging and/or disposal operations by the selected contractor, or where review of monitoring data indicates inconsistencies or deficiencies in the plan.

If monitoring indicates exceedances of water quality standards occur or are imminent at the compliance point (edge of the mixing zone), the operation will be shut down immediately. In order to address such cases, a response plan shall be proposed to protect resources in Biscayne Bay. The dredging operation will remain shut down until modifications are made to reduce the level of contaminants entering the river. The operational modifications shall be approved by the Department prior to restart, and may include, but are not limited to the use of polymers/flocculants, filters, increasing disposal site retention time, removal of spoil from the disposal area, etc. The Department's BBWR and SE District Office shall be notified verbally within 24 hours of any exceedance. A written description of the circumstances surrounding the exceedance shall be submitted with the modification plan.

Pursuant to 62-4.246 and 62-160 F.A.C., appropriate analytical methods shall be used, and shall provide a Method Detection Limit (MDL) below the appropriate standard or guidance level. If no method is available that can detect below the applicable standard or guidance level, then the method that provides the lowest MDL shall be used. Use of a method with a MDL above the standard or guidance level shall require prior approval from DEP BBWR.

All sampling, monitoring and analyses required in this permit shall be performed in accordance with Chapter 62-160, Florida Administrative Code (F.A.C.), Quality Assurance. Please be advised that significant changes are being promulgated for the Department's Quality Assurance procedures and rules pursuant to Chapter 62-160 F.A.C. All parties involved in sampling and analysis should keep apprised of these changes. Information about this rule may be obtained

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through the Departments web site at:

<http://www8.myflorida.com/environment/learn/science/laboratories/dqa/qaprogram/workshop.html>

13. Biological Resources Monitoring

A Biological Resources Monitoring Plan, designed cooperatively by the Department, the USACE, FWCC, Miami-Dade County DERM, NMFS, and USFWS, shall be developed prior to the issuance of an Individual ERP for this project. The plan will be included in the Individual ERP.

Depending on the selected design for dredging and disposal activities, the Biological Resources Monitoring Plan may include the following items, or other items reasonably necessary to provide adequate protection of the biological community. When the actual project design is selected, the monitoring will be designed to address specific concerns.

The plan for the monitoring of the natural resources, e.g. benthic organisms and seagrass, waterward of the edge of the mixing zone shall be designed with the goal of detecting stress on the biological community that may not be detected by chemical/physical monitoring, e.g. chronic low level exposure to multiple contaminants, sporadic and transient acute contaminant exposure, physical effects of siltation, light attenuation, etc. This monitoring shall include observations relating to the health and function of the biological system.

14. Flow Monitoring

A Flow Monitoring Plan, designed cooperatively by the Department, the USACE, FWCC, Miami-Dade County DERM, NMFS, and USFWS, shall be developed prior to the issuance of an Individual ERP for this project. The plan will be included in the Individual ERP.

Depending on the selected design for dredging and disposal activities, the Flow Monitoring Plan may include the following items, or other items reasonably necessary to provide adequate and appropriate flow data. When the actual project design is selected, the monitoring will be designed to address specific concerns.

The goal of the monitoring will be to acquire data necessary for the development of a mixing model. The mixing model will be used to assist in developing procedures and operations that minimize contaminant concentrations within the mixing zone.

15. Dewatered Spoil Monitoring

A Dewatered Spoil Monitoring Plan, designed cooperatively by the Department, the USACE, FWCC, Miami-Dade County DERM, NMFS, and USFWS, shall be developed prior to the issuance of an Individual ERP for this project. The plan will be included in the Individual ERP.

Depending on the selected design for dredging and disposal activities, the Dewatered Spoil Monitoring Plan may include the following items, or other items reasonably necessary to define the quality of the material. When the actual project design is selected, the monitoring will be designed to address specific concerns.

The goal of the plan will be to determine the appropriate final disposition method for the dredge material. Analysis of the bulk material, and leachate prepared from the bulk material may be necessary in order to make this determination.

16. Groundwater Monitoring

A Groundwater Monitoring Plan, designed cooperatively by the Department, the USACE, FWCC, Miami-Dade County DERM, NMFS, and USFWS, shall be developed prior to the issuance of an Individual ERP for this project. The plan will be included in the Individual ERP.

Depending on the selected design for dredging and disposal activities, the Groundwater Monitoring Plan may include the following items, or other items reasonably necessary to provide adequate protection of groundwater quality. When the actual project design is selected, the monitoring will be designed to address specific concerns.

Groundwater concerns mainly are associated with contaminants that may leach from the sediments at the interim and final disposal site(s).

17. Depending on the intended final method of disposal and the test results for the dewatered spoil material, the Department's Waste Management requirements may be incorporated into the Individual ERP. In addition, there may be significant amounts of solid waste items removed from the river, which require disposal in a solid waste facility.

18. Removal of contaminated sediment from the Miami River potentially provides net improvement of water quality within the river. The removal of sediments thus serves as mitigation for temporary elevations of contaminants in the river, within the mixing zone, during the project.

However, given the fact that existing water quality and habitat conditions are significantly better outside the mouth of the Miami River than they are within the river, every effort shall be made to avoid release of contaminants beyond the mouth. Furthermore, pursuant to 373.414(1)b, F.S., water quality mitigation would be necessary to offset any unavoidable water quality degradation, below existing background levels, waterward of the mouth of the Miami River. In addition, pursuant to 62-4.242, F.A.C., the project must be clearly in the public interest. If the pre-project monitoring, the mixing model, and/or other relevant information do not provide assurance that further degradation of water quality outside of the mixing zone shall be prevented, then the local

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sponsor will be responsible for providing water quality mitigation. Potential mitigation options include obtaining Clean Marina or Facility status, stormwater projects, or pollution prevention projects. The mitigation will be documented through a binding agreement between the local sponsor and the Department, prior to issuance of the Individual ERP.

19. Corrections to the attached drawings include:

On the overall project aerial, "Sheet 1", the area marked "Mile -0.25 thru 4.19", should read "Mile -0.25 thru 2.93">

On the cross-section drawings, "Sheet 19", the project depth is shown as -15' MLW in all project areas. The cross-sections for areas with channel widths of 125' and 90', should show a depth of -12.5' MLW.



20. Protected Species Conditions

The standard manatee construction conditions, and the additional conditions described below, shall be followed for all in-water construction.

Turbidity curtains or barriers will need to be monitored regularly to prevent manatee entanglement or entrapment. How frequently the barriers need to be monitored will be determined once turbidity containment is addressed by the applicant. This condition will then be modified to be more specific to the project proposal.

A manatee observer plan will be developed for the project and must be approved by the FWCC prior to issuance of the final permit. This plan must address the number of observers needed, where they will be located, and the observer's names and qualifications. The observer plan may require multiple observers that have experience in manatee observation, and are equipped with polarized sunglasses and binoculars to aid in observation. The manatee observers must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, and any in-water work shall be minimized to the extent possible after sunset, when the possibility of spotting manatees is negligible.

The permittee shall ensure that the contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. Manatee sighting information shall include the number of manatees seen per sighting, time of day observed, indicate if work was stopped due to manatee proximity, and when in-water work resumed once manatees left the area. Copies of the logs should be provided monthly to the FWCC. Following project completion, a report summarizing incidents and sightings shall be submitted to the Florida Fish

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and Wildlife Conservation Commission, 620 South Meridian Street, OES-BPS, Tallahassee, Florida 32399-1600.


To reduce the risk of crushing a manatee between a vessel and the wharf or between two vessels that are moored together, the permittee shall install wharf fenders with appropriate materials to provide sufficient standoff space of at least 4 feet under compression. Fenders or buoys providing a minimum standoff space of at least 4 feet under compression shall be used for all vessels associated with the dredging project, including dredges and barges. Fenders will also be required at the disposal site where the barge will off-load the dredged material.

Blasting shall be prohibited.

When construction details are available, more detailed conditions may be added for the final permit. If impacts to native habitat resources, such as submerged aquatic vegetation, are anticipated the FWCC will reevaluate the project in light of the additional information concerning the loss of habitat.

21. All work shall be within the area described in BOTITF Deed # 18939.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read 'Michael Sole', is written over a horizontal line.

Michael Sole, Chief
Bureau of Beaches and Wetland Resources

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on May 17, 2002, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Monica R. Flouse 06/17/02
Clerk Date

Attachments:

Drawings 20 pages
62-4.242 F.A.C.
62-4.244 F.A.C.

CC:

Tim Rach, DEP, SE District
Betsy Hewitt, DEP, Office of General Counsel
David Mayer, DEP, CAMA
Inger Hansen, DEP, SE District
Mary Murphy, DEP, SE District
Geetha Selvendran, DEP, SE District
Paul Wierzbicki, DEP, SE District
Greg Graves, DEP, SE District
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Suzanne Tarr, Save the Manatee Club
Nancy Case O'Bourke, Case O'Bourke Eng.
Nancy Lee
Cynthia Guerra, Tropical Audubon Society
Ken Jones, PBSJ
Stacey Roberts, PBSJ
DEP, BBWR Permit Information Center
DEP, BBWR File

62-4.242 Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement.

(1) Antidegradation Permitting Requirements.

(a) Permits shall be issued when consistent with the antidegradation policy set forth in Rule 62-302.300, and if applicable, Rule 62-302.700.

(b) In determining whether a proposed discharge which results in water quality degradation is necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the department shall consider and balance the following factors:

1. Whether the proposed project is important to and is beneficial to the public health, safety, or welfare (taking into account the policies set forth in Rules 62-302.100, 62-302.300, and if applicable, 62-302.700); and

2. Whether the proposed discharge will adversely affect conservation of fish and wildlife, including endangered or threatened species, or their habitats; and

3. Whether the proposed discharge will adversely affect the fishing or water-based recreational values or marine productivity in the vicinity of the proposed discharge; and

4. Whether the proposed discharge is consistent with any applicable Surface Water Improvement and Management Plan that has been adopted by a Water Management District and approved by the Department.

(c) In addition to subsection (b) above, in order for a proposed discharge (other than stormwater discharges meeting the requirements of Chapter 62-25, F.A.C.), to be necessary or desirable under federal standards and under circumstances which are clearly in the public interest, the permit applicant must demonstrate that neither of the following is economically and technologically reasonable:

1. Reuse of domestic reclaimed water.

2. Use of other discharge locations, the use of land application, or reuse that would minimize or eliminate the need to lower water quality.

(2) Standards Applying to Outstanding Florida Waters

(a) No Department permit or water quality certification shall be issued for any proposed activity or discharge within an Outstanding Florida Waters, or which significantly degrades, either alone or in combination with other stationary installations, any Outstanding Florida Waters, unless the applicant affirmatively demonstrates that:

1. With respect to blowdown from a recirculated cooling water system of a steam electrical generating plant, that the discharge:

a. Meets the applicable limitations of Rule 62-302.520(4), F.A.C., at the point of discharge; or,

b. Has a mixing zone established pursuant to Rule 62-302.520(5)(b), F.A.C., which assures the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the Outstanding Florida Water, and which is established taking into account the recreational or ecological significance of such water; and,

c. Meets the temperature limits of Rule 62-302.520(4), F.A.C., at the boundary of the mixing zone established pursuant to Rule 62-302.520(6)(b), F.A.C.; or,

2. The proposed activity or discharge is clearly in the public interest; and either

a. A Department permit for the activity has been issued or an application for such permit was complete on the effective date of the Outstanding Florida Water designation; or,

b. The existing ambient water quality within Outstanding Florida Waters will not be lowered as a result of the proposed activity or discharge, except on a temporary basis during construction for a period not to exceed thirty days; lowered water quality would occur only within a restricted mixing zone approved by the Department; and, water quality criteria would not be violated outside the restricted mixing zone. The Department may allow an extension of the thirty-day time limit on construction-caused degradation for a period demonstrated by the applicant to be unavoidable and where suitable management practices and technology approved by the Department are employed to minimize any degradation of water quality.

(b) The Department recognizes that it may be necessary to permit limited activities or discharges in Outstanding Florida Waters to allow for or enhance public use or to maintain facilities that existed prior to the effective date of the Outstanding Florida Water designation or facilities permitted after adoption of the Outstanding Florida Water designation. However, such activities or discharges will only be permitted if:

1. The discharge or activity is in compliance with the provisions specified in subparagraph (2)(a)2. of this Section; or,

2. Management practices and suitable technology approved by the Department are implemented for all stationary installations including those created for drainage, flood control, or by dredging or filling; and,

3. There is no alternative to the proposed activity, including the alternative of not undertaking any change, except at an unreasonably higher cost.

(c) For the purpose of this section the term "existing ambient water quality" shall mean (based on the best scientific information available) the better water quality of either (1) that which could reasonably be expected to have existed for the baseline year of an Outstanding Florida Water designation, or (2) that which existed during the year prior to the date of a permit application. It shall include daily, seasonal, and other cyclic fluctuations, taking into consideration the effects of allowable discharges for which Department permits were issued or applications for such permits were filed and complete on the effective date of designation.

(d) Rule 62-4.242(2) shall not apply to any dredge or fill activity or any discharge to an Outstanding Florida Water permitted by the Department on, or for which a complete permit application was filed on, the effective date of an Outstanding Florida Water designation; nor shall it apply to any renewal of a

Department permit where there is no modification in the dredge or fill activity or discharge which would necessitate a permit review.

(e) Any activity that is exempted from permit programs administered by the Department, is not subject to the requirements of Rule 62-4.242.

(f) For the Apalachicola River north of Gulf County, this section shall not apply in the federally-authorized nine-foot navigation project, as follows:

1. Maintenance dredging and disposal and snag removal by the Army Corps of Engineers as presently performed pursuant to existing permits and its continuation under renewals thereof; or

2. Class A and B emergencies as defined in Rule 62-312.150(5), F.A.C.; or

3. Exemptions to permitting specified in Section 403.813, F.S. and Department rules; or

4. Any other permissible project of the Army Corps of Engineers deemed necessary by the Department pursuant to the considerations referenced in Rule 62-302.100(10)(c), F.A.C.

(3) Standards Applying to Outstanding National Resource Waters:

(a) All discharges or activities that may cause degradation of water quality in Outstanding National Resource Waters are prohibited, other than:

1. Discharges or activities that are exempted by statute from Department permitting or regulation;

2. Those discharges or activities described in Rules 62-4.242(2)(a)1.b., 62-4.242(2)(a)1.c., and 62-4.242(2)(a)2.b., F.A.C.

(b) Discharges or activities that would have the result of clearly enhancing the water quality of Outstanding National Resource Waters are not prohibited.

(c) In addition, the following restrictions apply in Outstanding National Resource Waters. Each is listed below, followed by a reference to DEP rules or Florida Statutes:

1. Water quality reclassification to a class with less stringent criteria is not allowed (Rule 62-302.400, F.A.C.).

2. New or expanded mixing zones can not be issued other than those for thermal discharges as allowed in Rule 62-4.242(1)(a)1.

3. Temporary Operation Permits can not be renewed (Rule 62-4.250, F.A.C.)

4. General Permits can not be used.

5. Exemptions from water quality criteria can not be issued (62-4.243; 62-6.020(5), (6), and (7); 62-25.030(3); and 62-28.130, F.A.C.).

6. Variances shall not be issued (Sections 403.201 and 403.938, F.S.)

7. Any special restrictions for water quality protection in Outstanding Florida Waters, whether in Department rules or Florida Statutes, also apply in Outstanding National Resource Waters.

(d) This subsection shall not apply to any existing activity permitted, exempted, or for which a completed application for permit was filed, on or before the effective date of the Outstanding National Resource Water designation; nor

shall it apply to any renewal of a Department permit where there is no modification of the activity which would necessitate a permit review.

(e) Subparagraph 62-4.242(3)(d) shall not apply to any activity which contributes to the degradation of water quality in an Outstanding National Resource Water beyond those levels established for the baseline year.

(4) Equitable Abatement:

(a) It shall be Department policy to further protect and enhance the quality of those surface waters whose quality has been artificially lowered below the quality necessary to support their designated uses. For such waters, no new activity or discharge shall be issued a Department license to construct unless the applicant affirmatively demonstrates that:

1. Water quality standards once achieved would not be violated as a result of the proposed activity or discharge;

2. The proposed activity or discharge is necessary or desirable under federal standards; and

3. The proposed activity or discharge is clearly in the public interest.

(b) To allocate equitably the relative levels of responsibility for abatement among persons directly discharging significant amounts of pollutants into waters which fail to meet one or more of the water quality criteria applicable to those waters, it is necessary to determine the amounts of those pollutants contributed by each of those persons and to consider all factors relevant to the equitable allocation of that responsibility. The following provisions of this section prescribe the means by which the Department, upon the petition of a license applicant, will equitably allocate among such persons the relative levels of abatement responsibility of each for abatement of those pollutants and by which it will establish for each of those persons, if necessary, an abatement program and schedule to accomplish any abatement determined necessary under the provisions of this Section.

(c)1. For a surface water body, or portion thereof, which is determined by the Department to fail to meet one or more of the water quality criteria applicable to that water body, an applicant for a license to construct or operate a stationary installation to discharge wastes which contributes, or will contribute, to that failure may petition the Department in writing for an equitable allocation of the relative levels of responsibility for abatement among the stationary installations which discharge significant amounts of one or more of the pollutants which contribute to the failure of those waters to meet the water quality criterion (a) specified in the petition.

2. The applicant shall identify in the petition the location of each of the existing stationary installations which it wishes the Department to consider and the legal name and mailing address of the owners of each of those stationary installations.

3. The county government within which each stationary installation identified under subparagraphs 1. and 2. of this paragraph is located shall be given notice of the proceeding, as shall the municipality, if the stationary installation is located within a municipality.

4. The Department may identify any other owners of existing stationary installations which it deems necessary to allocate equitably the relative levels of responsibility for abatement of pollutants which contribute to the failure of those waters to meet any criterion specified in the petition.

5. Those owners identified by the petitioner and the Department shall be joined as parties in the licensing proceeding. Nothing shall preclude any party from requiring the joinder, as a party to the proceeding, of the owner of any other existing stationary installation upon written motion and an affirmative demonstration that such stationary installation is discharging significant amounts of one or more pollutants which contribute to the failure of the subject water body to meet any criterion specified in the petition. A motion for joinder shall be filed within 20 days of receipt by the movant of notice that it has been joined in the proceeding.

(d) License applications filed by the petitioner, or any other party, for waste discharges which are identified pursuant to Subsection paragraph (2)(c) above in the equitable allocation process under this Section shall be deemed incomplete or the subject of a dispute of material fact for purposes of Chapter 120, F.S. However, if an application for renewal of an existing license has been timely filed with the Department, the existing license shall remain in full force and effect until such time as a new or modified license has been issued pursuant to paragraph (2)(k).

(e) Prior to determining the most equitable allocation of responsibility for abatement under subparagraph (f), the Department shall determine the percentage and quantification of the total contribution and the contribution by each of the stationary installations identified under paragraph (c) of the pollutants identified under paragraph (c) which contributes to the failure of the subject waters to meet the water quality criterion specified in the petition. Provided, however, that the Department, upon petition by an affected party pursuant to Section 62-3.031, F.A.C., may establish more appropriate less stringent criteria upon which to base quantification calculations. For the purpose of performing quantification calculations, the Department shall assume waste discharges entering the water body from an adjacent state as a separate point source of pollution.

(f) The following factors shall be considered by the Department in determining the most equitable allocation among the parties identified pursuant to paragraph (c) of the relative levels of responsibility of each for abatement of the pollutants with which the petition is concerned:

1. The percentage and quantification of the abatement achieved by abatement techniques previously undertaken, if any, by each of those stationary installations and the costs previously incurred, if any, with respect to each, along with any economic or production benefits gained from said abatement techniques.

2. The identification and estimated cost of alternative abatement techniques available for each stationary installation. Identified techniques shall include:

(i) Those techniques which would abate the level of pollutants to the degree required by the quantities of contributed pollutants determined under paragraph (e), or the maximum degree possible, if the degree required is not presently attainable.

(ii) Those techniques which would abate additional quantities of pollutants beyond the quantities determined under paragraph (e) and the approximate percentage of additional abatement which could be provided.

3. The economic and production impacts of additional abatement on each party, if any.

4. Other environmental impacts of available abatement techniques.

(g) In determining the percentages and quantities under paragraph (e), the Department shall use the best scientific and technical information, methods, and data in the possession of the Department.

(h) Each party to the licensing proceeding shall provide the Department, and each other party except as provided by Section 403.111, F.S., with any information which is requested by the Department and necessary for the determination under paragraphs (e) and (f). With regard to the determination under subparagraph (f)2.(ii), however, parties shall only be required to provide that information within their possession at the time of the Department's request. The Department shall make available to a party any information in its possession, and shall provide reasonable assistance to any party in identifying that information which would assist the party in complying with the Department's request.

(i) Each party shall undertake a program approved by the Department to abate the quantity of contributed pollutants for which it is determined responsible under Subsection (e). Such abatement program shall include but not be limited to, a quantified effluent limitation, best management practices or specific techniques for abatement, and a schedule for commencement and completion of the required abatement. In establishing an abatement schedule, the Department shall consider the previous abatement efforts and their costs, the reasonable remaining usable life of the discharge facility, and any commitments for phasing out the discharge from the facility.

(j) An abatement program required under paragraph (i) may include the agreement of one owner to undertake additional abatement on behalf of another owner. When such an agreement has been executed fully and filed in writing with the Department within a reasonable period of time set by the Department, the agreement shall be recognized in the licenses of the signatory parties to the extent that it satisfies the levels of abatement, determined for those parties under paragraph (e).

(k) Each party shall be issued an appropriate license of modified license, which shall include any abatement program required of the party and approved under paragraph (i), as well as any other conditions authorized by Chapter 403, FS.

Specific Authority: 373.016, 373.171, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805, FS.

Law Implemented: 373.016, 373.171, 403.021, 403.061, 403.087, 403.088, 403.101, 403.111, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702, FS.
History: New 3-1-79, Amended 5-14-81, 9-30-82, 3-31-83, 4-9-84, 11-29-84, 12-11-84, 5-8-85, 7-22-85, 8-31-88, 10-4-89, Formerly 17-4.242, Amended 1-23-95.

62-4.244 Mixing Zones: Surface Waters.

(1) Zones of mixing for non-thermal components of discharges.
(a) The Department may allow the water quality adjacent to a point of discharge to be degraded to the extent that only the minimum conditions described in Section 62-3.051(1), Florida Administrative Code, apply within a limited, defined region known as the mixing zone. Under the circumstances defined elsewhere in this section, a mixing zone may be allowed so as to provide an opportunity for mixing and thus to reduce the costs of treatment. However, no mixing zone or combination of mixing zones shall be allowed to significantly impair any of the designated uses of the receiving body of water.

(b) A zone of mixing shall be determined based on the following:
1. The condition of the receiving body of water including present and future flow conditions and present and future sources of pollutants.
2. The nature, volume and frequency of the proposed discharge including any possible synergistic effects with other pollutants or substances which may be present in the receiving body of water.
3. The cumulative effect of the proposed mixing zone and other mixing zones in the vicinity.

(c) Except for the thermal component of discharges and nitrogen and phosphorus acting as nutrients, mixing zones which do not adhere to all of provisions (1)(d) through (1)(i) below shall be presumed to constitute a significant impairment of the designated uses of surface waters of Classes I, II and III. An applicant for a mixing zone may obtain an exemption from these limitations as follows:

1. The applicant shall provide public notice, which shall be prepared or approved by the Department, in a newspaper of general circulation in the area in which the mixing zone is proposed. The notice shall identify the specific exemption it is seeking and notice the time, date and place of a public meeting at which, if the meeting is requested, the Department will consider comments to the requested exemption. The notice shall allow a person to request such a public meeting by contacting the Department within 14 days of the publication of the notice. If there is no such request, a public meeting is not required.

2. The applicant shall arrange for a public meeting which will be held if requested at which the Department will consider public comments on the exemption that is being sought. The Department shall also provide for public notice of the meeting in the Florida Administrative Weekly.

3. The applicant shall affirmatively demonstrate to the Department that the mixing zone exemption will not produce a significant adverse effect on

the established community of organisms in the receiving body of water or otherwise significantly impair any of the designated uses of the receiving body of water.

4. The applicant shall affirmatively demonstrate to the Department the requirements of paragraph (5)(c) of this section will be met.

(d) A mixing zone shall not include an existing drinking water supply intake or any other existing water supply intake if the constituents of such mixing zone would significantly impair the purposes for which the supply is used.

(e) A mixing zone shall not include a nursery area of indigenous aquatic life or any area approved by the Department of Environmental Protection for shellfish harvesting.

(f) In canals, rivers, streams, and other similar water bodies, the maximum length of a mixing zone shall be no more than 800 meters. In no case, shall a mixing zone be larger than is necessary for the discharge to completely mix with the receiving water to meet water quality standards, and in no case shall a mixing zone significantly impair the designated use of the water body other than within the boundaries of the mixing zone.

(g) In lakes, estuaries, bays, lagoons, bayous, sounds, and coastal waters, the area of a mixing zone shall be 125,600 square meters unless a lesser area is necessary to prevent significant impairment of a designated use. In no case shall a mixing zone be larger than is necessary to meet water quality standards.

(h) In open ocean waters, the area of a mixing zone shall be 502,655 square meters unless a lesser area is necessary to prevent significant impairment of a designated use. In no case shall a mixing zone be larger than is necessary to meet water quality standards.

(i) The mixing zones in a given water body shall not cumulatively exceed the limits described below:

1. In rivers, canals, and streams, and tributaries thereto and other similar water bodies: 10% of the total length;
2. In lakes, estuaries, bays, lagoons, bayous and sounds: 10% of the total area.

(j) Additional standards which apply within mixing zones in Class I, II and Class III waters are as follows:

1. The dissolved oxygen shall not average less than 4.0 milligrams per liter; and,
2. The turbidity shall not average greater than 41 Nephelometric Turbidity Units above natural background.

(k) Mixing zones in Class IV and V waters are subject only to the provisions of (d) above and of Section 62-3.051, F.A.C., and shall not significantly impair the designated uses of the receiving body of water.

(2) There shall be no mixing zone for any component of any discharge unless a Department permit containing a description of its boundaries has been issued for that component of the discharge.

(3)(a) Waters within mixing zones shall not be degraded below the minimum standards prescribed for all waters at all times in Section 62-3.051,

F.A.C. In determining compliance with the provisions of 62-3.051(1), F.A.C., the average concentration of the wastes in the mixing zone shall be measured or computed using scientific techniques approved by the Department; provided that, the maximum concentration of wastes in the mixing zone shall not exceed the amount lethal to 50% of the test organisms in 96 hours (96 hr LC₅₀) for a species significant to the indigenous aquatic community, except as provided in paragraphs (b) or (c) below. The dissolved oxygen value within any mixing zone shall not be less than 1.5 milligrams per liter at any time or place.

(b) The maximum concentration of wastes in the mixing zone (except for open ocean discharges) may exceed the 96 hr. LC₅₀ only when all of the following conditions are satisfied.

1. Dilution ratio of the effluent exceeds 100:1 under critical conditions. That is, flow in the receiving waters exceeds 100 units for every unit of effluent flow under critical conditions. Critical conditions are defined as those under which least dilution of the effluent is expected, e.g., maximum effluent flow and minimum receiving stream flow.

2. High rate diffusers or other similar means are used to induce rapid initial mixing of the effluent with the receiving waters such that exposure of organisms to lethal concentrations is minimized.

3. Toxicity must be less than acute (as defined in Rule 62-3.021(1), F.A.C.) no more than a distance of 50 times the discharge length scale in any spatial direction. The discharge length scale is defined as the square-root of the cross-sectional area of any discharge outlet. In the case of a multiport diffuser, this requirement must be met for each port using the appropriate discharge length scale of that port. This restriction will ensure a dilution factor of at least 10 within this distance under all possible circumstances, including situations of severe bottom interaction, surface interaction, or lateral merging.

4. The effluent when diluted to 30% of full strength, shall not cause more than 50% mortality in 96 hours (95 hr. LC₅₀) in a species significant to the indigenous aquatic community.

5. If the following pollutants are present in the effluent, their concentrations (in the effluent) shall not exceed the values listed:

Acrylonitrile	65 ug/l
Aldrin	7.5 ng/l
Dieldrin	7.5 ng/l
Benzene	4 mg/l
Benzidine	53 ng/l
Beryllium	6.4 ug/l
Cadmium	100 ug/l
Carbon Tetrachloride	694 ug/l
Chlordane	48 ng/l
Hexachlorobenzene	74 ng/l
Chlorinated ethanes:	
1,2-dichloroethane	24.3 mg/l
1,1,2-trichloroethane	4.2 mg/l

1,1,2,2-tetrachloroethane	1 mg/l
Hexachloroethane	874 ug/l
Chloroalkyl Ethers:	
bis(chloromethyl) ether	84 ng/l
bis(2-chloroethyl) ether	136 ug/l
Chloroform	1.57 mg/l
Chromium (hexavalent)	0.5 mg/l
DDT	2.4 ug/l
Dichlorobenzidine	2 ug/l
1,1-Dichloroethylene	185 ug/l
Dinitrotoluene	11 ug/l
Diphenylhydrazine	56 ug/l
Ethylbenzene	33 mg/l
Fluoranthene	540 ug/l
Halomethanes	1.6 mg/l
Heptachlor	29 ng/l
Hexachlorocyclohexane	
a Hexachlorocyclohexane	310 ng/l
B Hexachlorocyclohexane	547 ng/l
Y Hexachlorocyclohexane	625 ng/l
Lead	0.5 mg/l
Mercury	1.5 ug/l
Nickel	1 mg/l
Nitrosamines	124 ug/l
Polynuclear aromatic hydrocarbons	3 ug/l
Polychlorinated biphenyls (PCBs)	8 ng/l
Selenium	100 ug/l
Tetrachloroethylene	885 ug/l
Thallium	480 ug/l
Toxaphene	73 ng/l
Trichloroethylene	8 mg/l
Vinyl Chloride	52 mg/l

(c) For open ocean discharges, the effluent when diluted to 30% full strength, shall not cause more than 50% mortality in 96 hours (96-hr. LC₅₀) in a species significant to the indigenous aquatic community. Rapid dilution shall be ensured by use of multiport diffusers, or a single port outfall designed (by a professional engineer registered in Florida) to achieve a minimum of 20:1 dilution of the effluent prior to reaching the surface. This dilution shall be determined using the plume model described in the EPA document, "Initial Mixing Characteristics of Municipal Ocean Discharges: Volume 1. Procedures and Applications," using the "Single plume, stagnant ambient" procedures, or as established by field measurements, or an equivalent method previously approved by the Department. The discharge shall otherwise comply with federal law.

(4) Except for the minimum conditions of waters as specified in Section 62-3.051, F.A.C., and the provisions of Section 62-4.244, F.A.C., no other water quality criteria apply within a mixing zone.

(5) Mixing zones for dredge and fill permits shall not be subject to provisions (1)(c) through (1)(j), (2), (3), or (4) of this section, provided that applicable water quality standards are met at the boundary and outside the mixing zone.

(a) The dimensions of dredge and fill mixing zones shall be proposed by the applicant and approved, modified or denied by the Department.

(b) Criteria for departmental evaluation of a proposed mixing zone shall include site-specific biological and hydrographic or hydrological considerations.

(c) In no case shall the boundary of a dredge and fill mixing zone be more than 150 meters downstream in flowing streams or 150 meters in radius in other bodies of water, where these distances are measured from the cutterhead, return flow discharge, or other points of generation of turbidity or other pollutants.

(6) Where a receiving body of water fails to meet a water quality standard for pollutants set forth in department rules, a steam electric generating plant discharge of pollutants that existed or was licensed on July 1, 1984, may be granted a mixing zone, provided that:

(a) The standard would not be met in the water body in the absence of the discharge; and

(b) The discharge is in compliance with all applicable technology-based effluent limitations; and

(c) The discharge does not cause a measurable increase in the degree of noncompliance with the standard at the boundary of the mixing zone; and

(d) The discharge otherwise complies with the mixing zone provisions specified in this section.

(7) Additional relief from mixing zone restrictions necessary to prevent significant impairment of a designated use is through:

(a) Reclassification of the water body pursuant to Section 62-3.081, Florida Administrative Code;

(b) Variance granted pursuant to s. 403.201, and Rule 62-103.100.

(c) Modification of the requirements of this section for specific criteria by the Secretary upon compliance with the notice and hearing requirements for mixing zones set forth in (1)(c) above and upon affirmative demonstration by an applicant the applicant's discharge from a source existing on the effective date of this rule complies with best technology economically achievable, best management practices, or other requirements set forth in Chapter 62-6, F.A.C., and the economic, environmental and social costs of compliance with the existing criteria outweigh the social, environmental, and economic benefits of compliance with more stringent discharge limitations necessary to comply with mixing zone requirements of Subsection 62-4.244(1), F.A.C., and the provisions relating to dissolved oxygen in section 62-4.244, F.A.C.

1. No discharger may be issued more than one permit or permit modification or renewal which allows a modification pursuant to this subsection unless the applicant affirmatively demonstrates that it has undertaken a

continuing program, approved by the Department, designed to consider water quality conditions and review or develop any reasonable means of achieving compliance with the water quality criteria from which relief has been granted pursuant to this subsection.

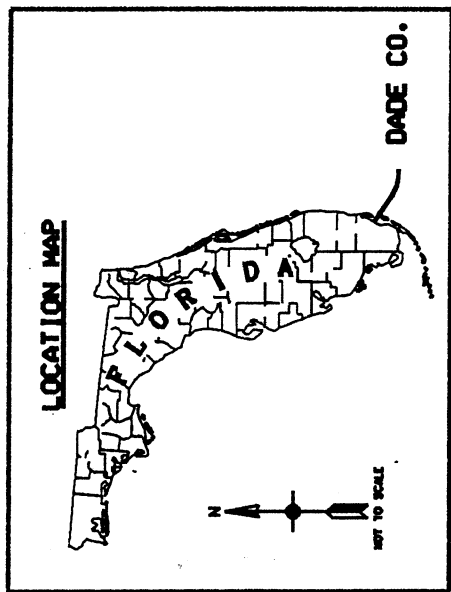
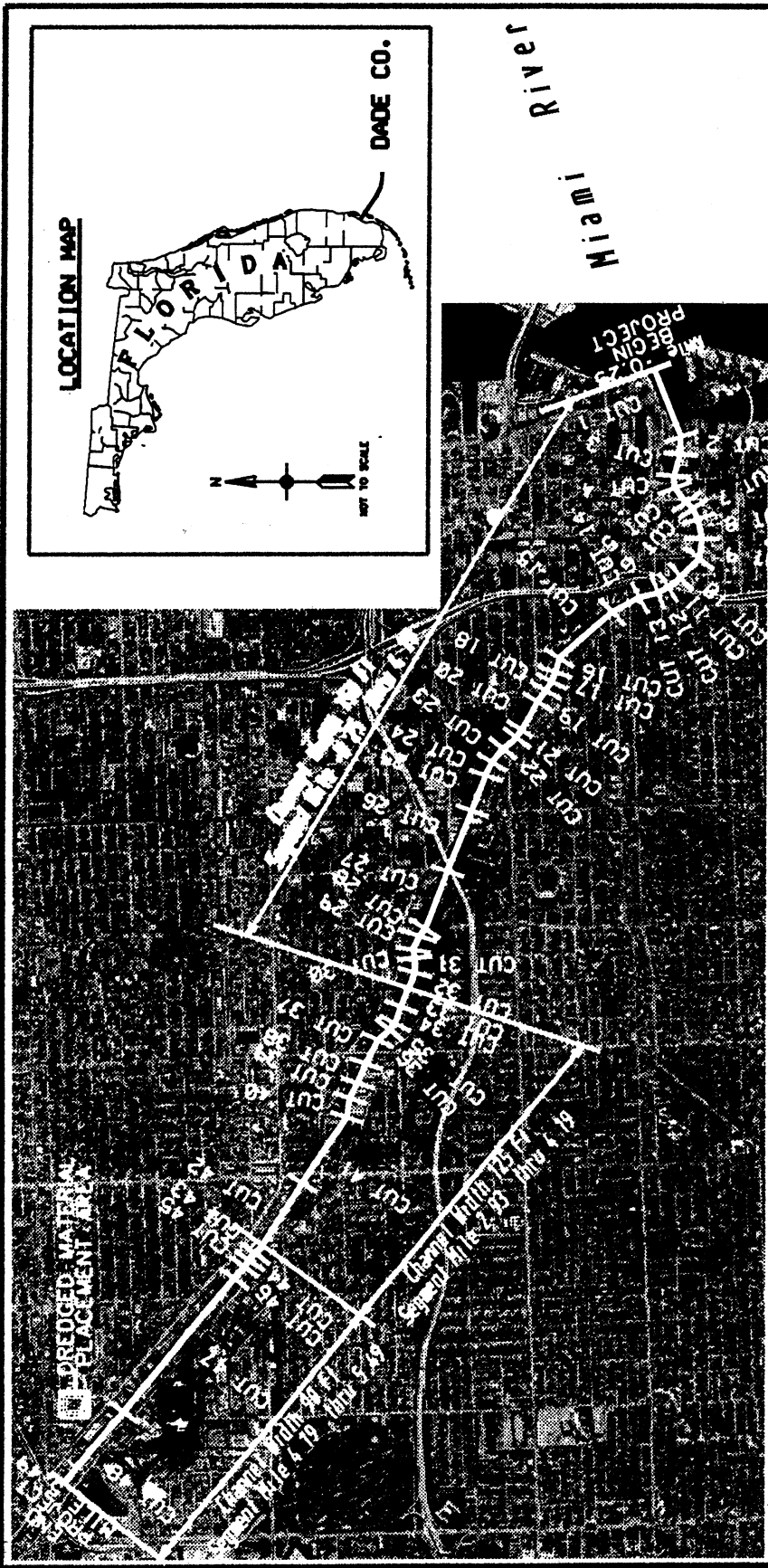
2. With respect to paragraphs 62-4.244(1)(c), F.A.C., and 62-4.244(6)(c), F.A.C., the applicant must affirmatively demonstrate the minimum area of the water body necessary to achieve compliance with either subsection. Within a minimum area determined by the Secretary to be necessary to achieve compliance, the discharger shall be exempt from the criterion for which a demonstration has been made.

(d) Whenever site specific alternative criteria are established pursuant to Section 62-3.031, or Subsection 62-3.061(3)(g), Florida Administrative Code, a mixing zone may be issued for dissolved oxygen if all provisions of Section 62-4.244, Florida Administrative Code are met with the exception of Subparagraph 62-4.244(1)(j)1., or Subsection 62-4.244(4) Florida Administrative Code.

Specific Authority: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805, FS.

Law Implemented: 403.021, 403.061, 403.087, 403.088, 403.101, 403.121, 403.141, 403.161, 403.182, 403.201, 403.502, 403.702, 403.708, FS.

History: Formerly part of 17-3.05, Revised and Renumbered 3-1-79, Amended 10-2-80, 1-1-83, 2-1-83, 12-19-84, 4-26-87, 8-31-88, 10-17-90, Formerly 17-4.244.

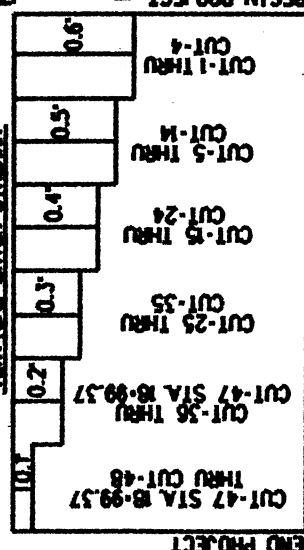


Miami River

SCALE



VERTICAL DATUM DIAGRAM



N.G.V.D. 1929 (M.S.L.)

RECEIVED

FEB 21 2001

OFFICE OF BEACHES & COASTAL SYSTEMS

U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

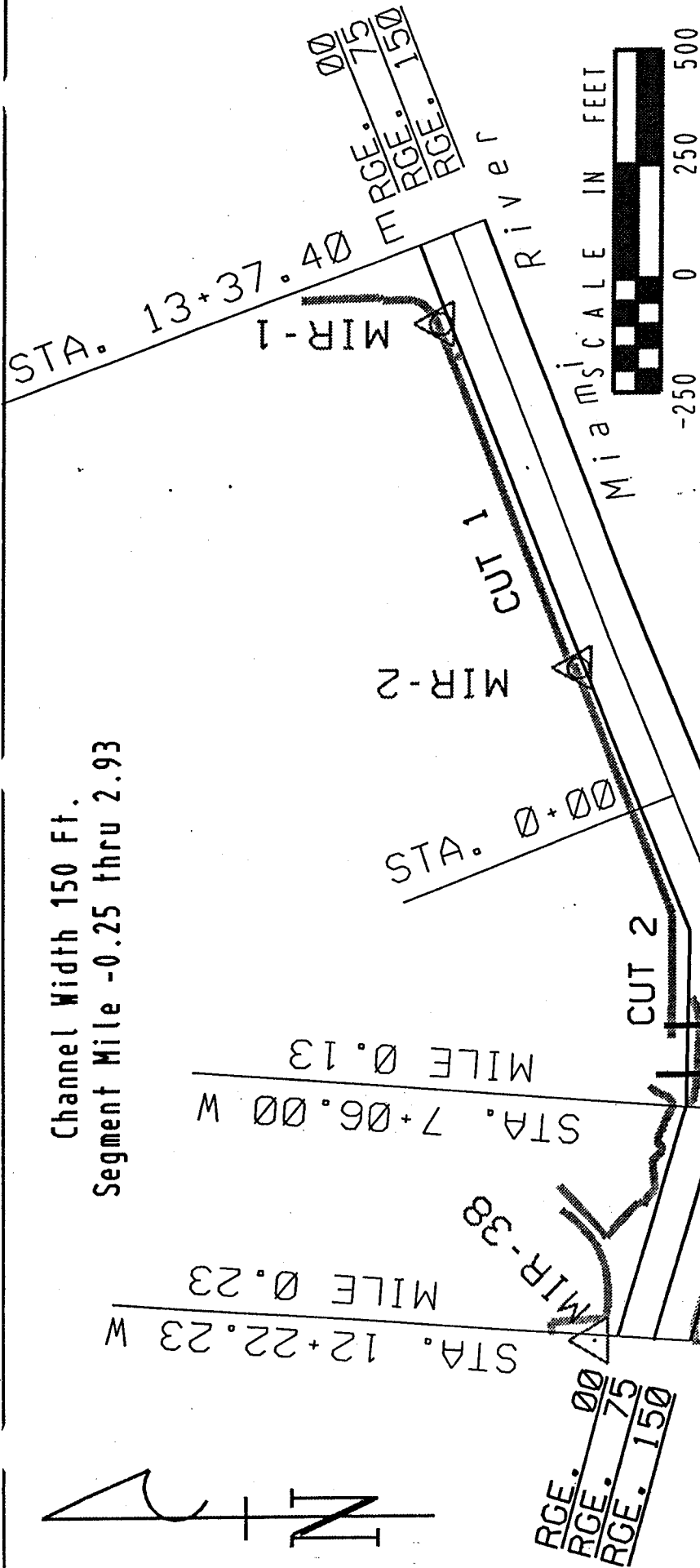
APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA
LOCATION MAP & PLAN VIEW

REV: FEB 01 SHEET 1 OF

Note: See specific Condition #19

PERMIT NO. 180701001

Channel Width 150 Ft.
Segment Mile -0.25 thru 2.93



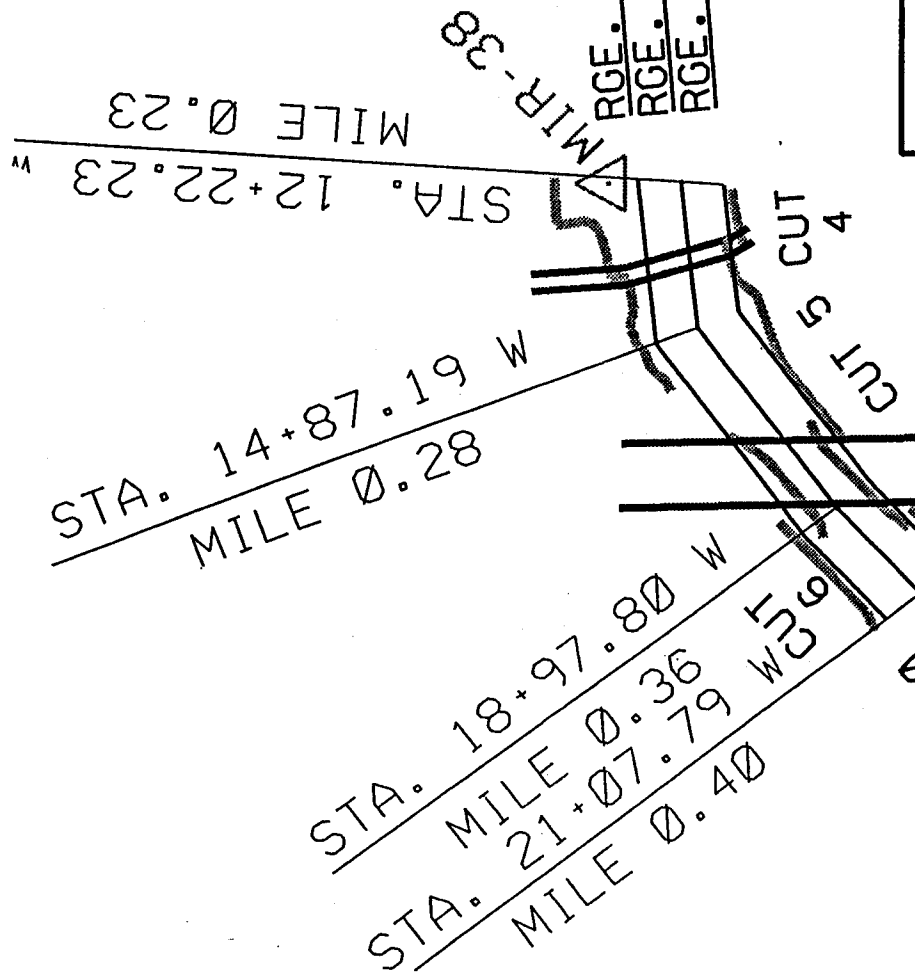
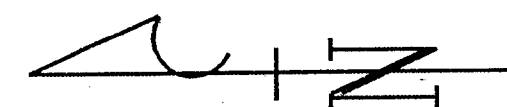
U.S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA	
APPLICATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION WATER QUALITY CERTIFICATION MIAMI RIVER, FLORIDA PLAN VIEW	
FROM: MILE	-0.25, CUT 1, STA 13+37.40 E
TO: MILE	0.23, CUT 3, STA 12+22.23 W
REV: NOV 00	SHEET 2 OF

SE 2nd Ave/US 1
Bicknell Bridge

PERMIT NO. 180701001

Channel Width 150

Segment Mile -0.25 thru 2.93



Miami River

U.S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA	
APPLICATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION WATER QUALITY CERTIFICATION MIAMI RIVER, FLORIDA PLAN VIEW	
FROM: MILE 0.23, CUT 4, STA 12+22.23 W	
TO: MILE 0.40, CUT 6, STA 21+07.79 W	
REV: NOV 00	SHEET 3 OF

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OFFICE OF BEACHES
& COASTAL SYSTEMS



PERMIT NO. 180701001

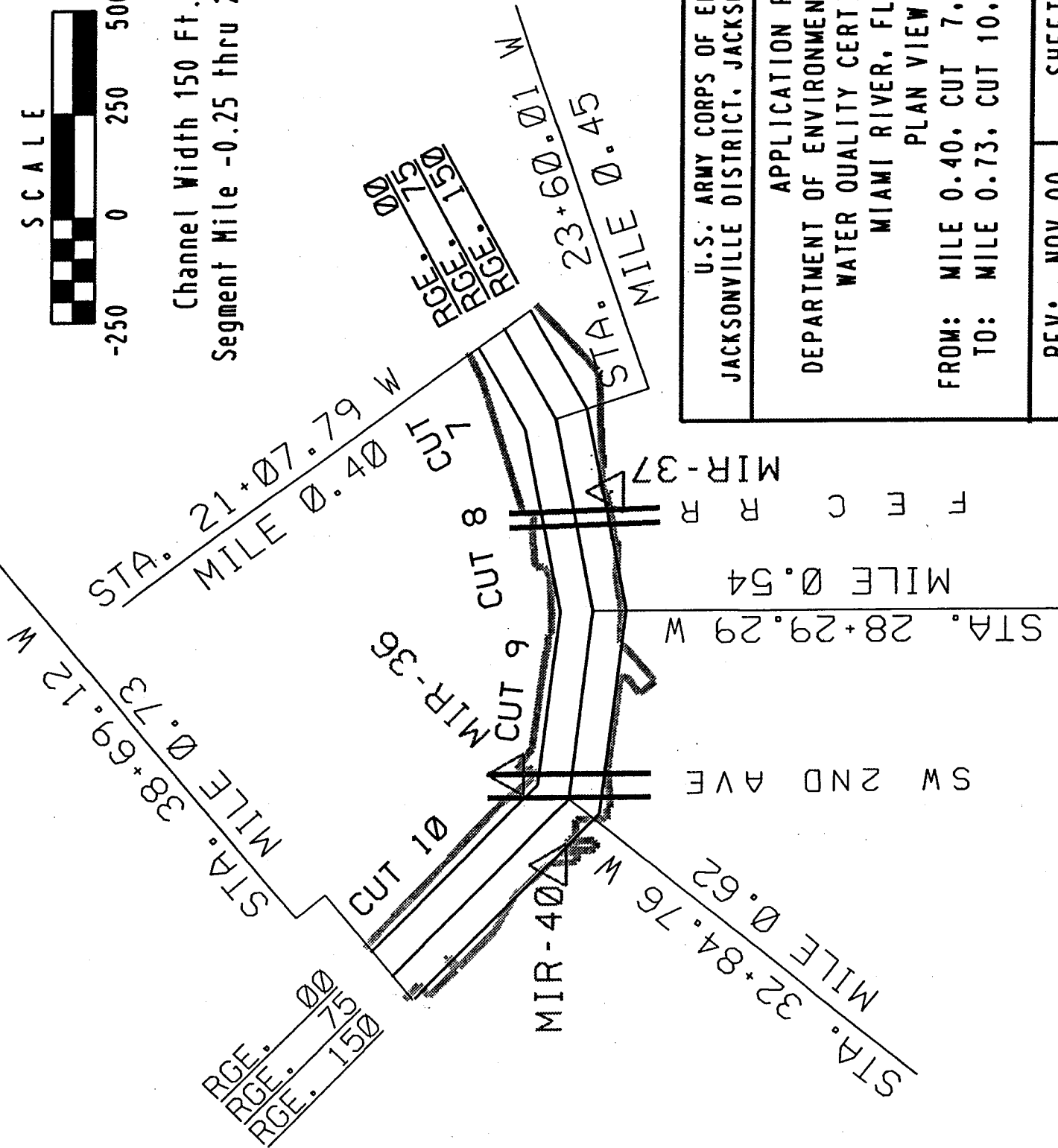
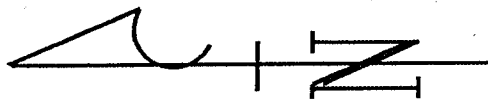
SCALE



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Channel Width 150 Ft.

Segment Mile -0.25 thru 2.93



U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA

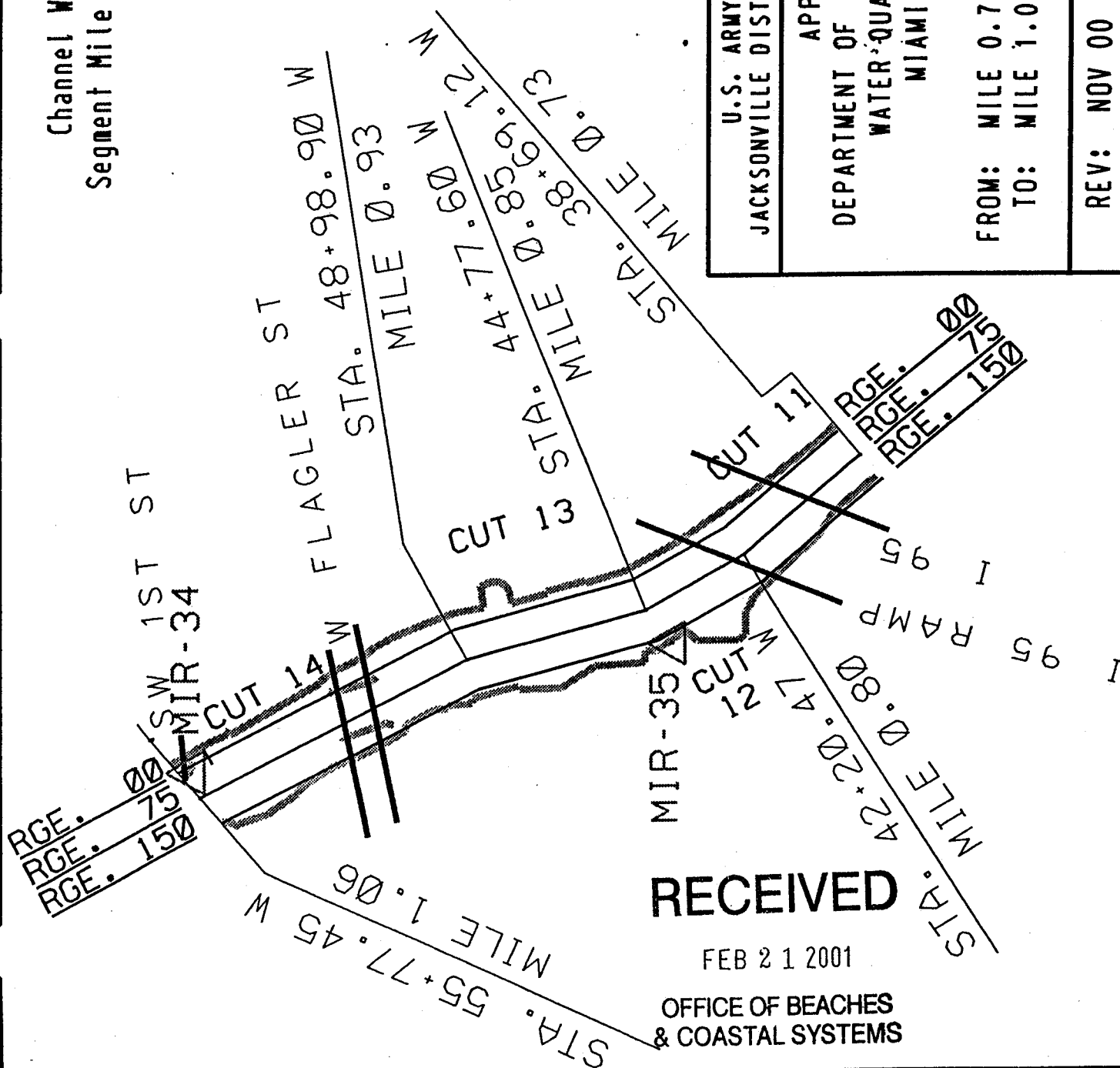
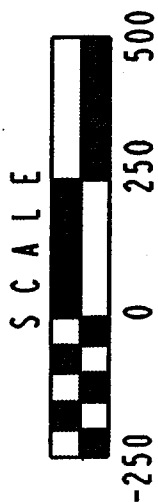
PLAN VIEW

FROM: MILE 0.40, CUT 7, STA 21+07.79 W
TO: MILE 0.73, CUT 10, STA 38+69.12 W

REV: NOV 00

SHEET 4 OF

PERMIT NO. 180701001



U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

**APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA**

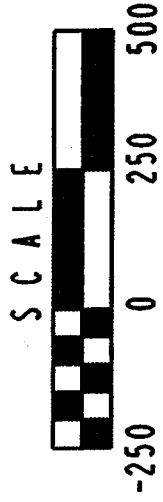
PLAN VIEW

FROM:	MILE 0.73, CUT 11,	STA 38+69.12 W
TO:	MILE 1.06, CUT 14,	STA 55 77.45 W

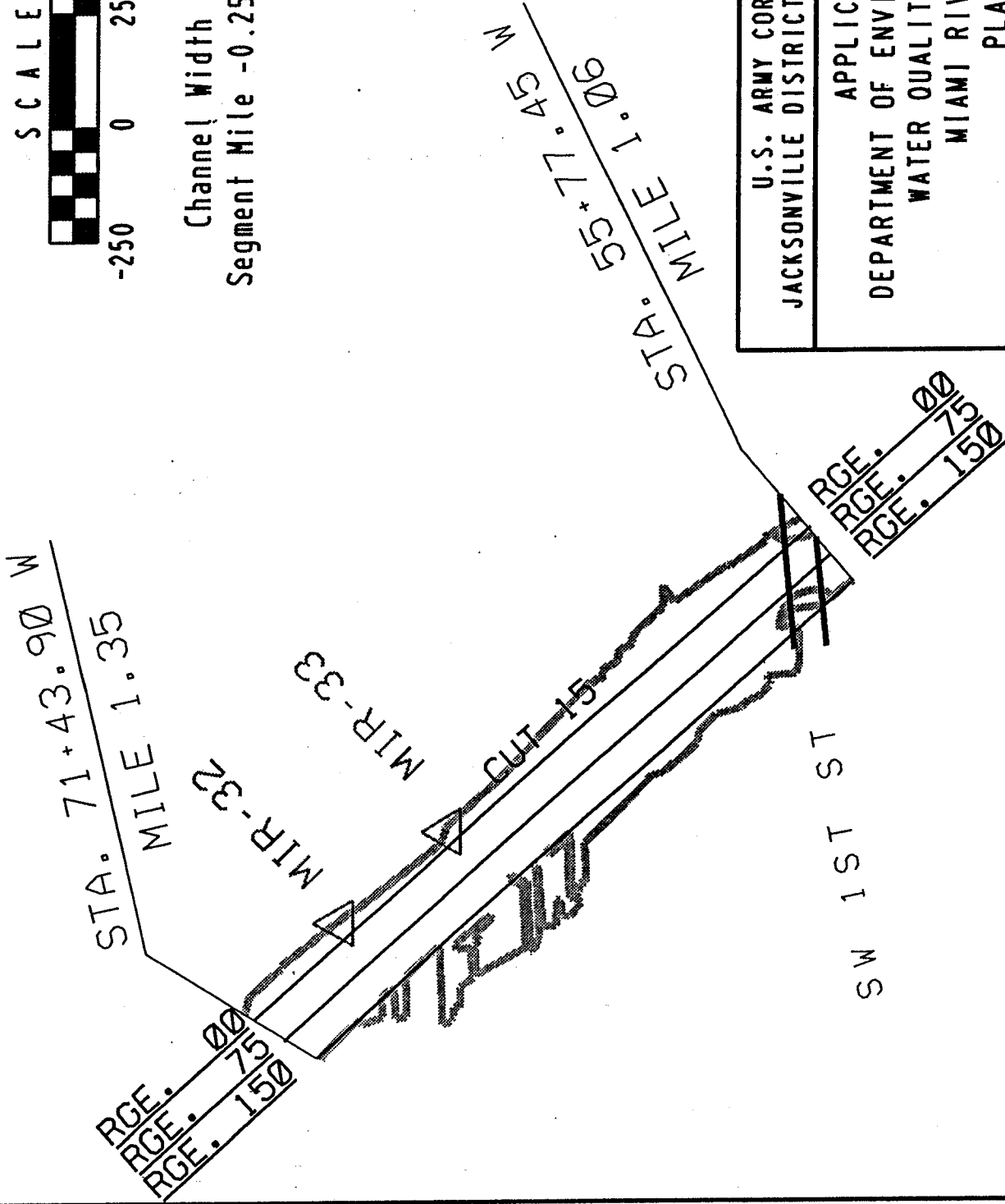
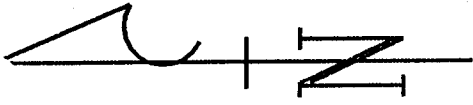
REV: NOV 00

SHEET 5 OF 30

PERMIT NO. 180701001



Channel Width 150 Ft.
Segment Mile -0.25 thru 2.93



U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA

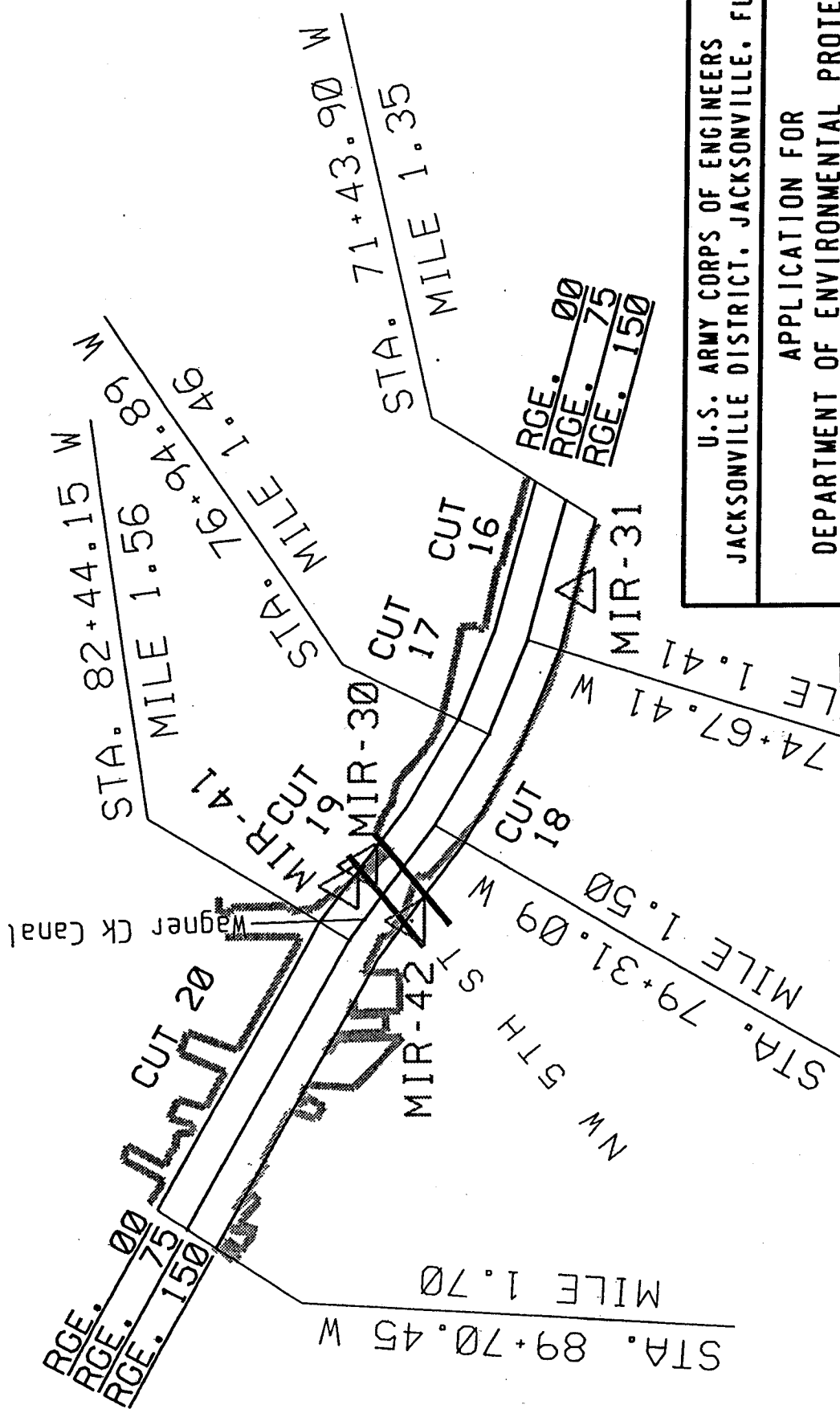
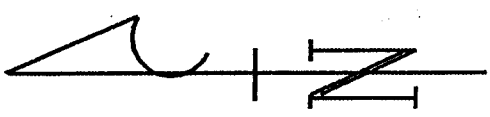
PLAN VIEW

FROM: MILE 1.06, CUT 15, STA 55+77.45 W
TO: MILE 1.35, CUT 15, STA 71+43.90 W

REV: NOV 00

SHEET 6 OF

PERMIT NO. 180701001



RGE. 00
RGE. 75
RGE. 150

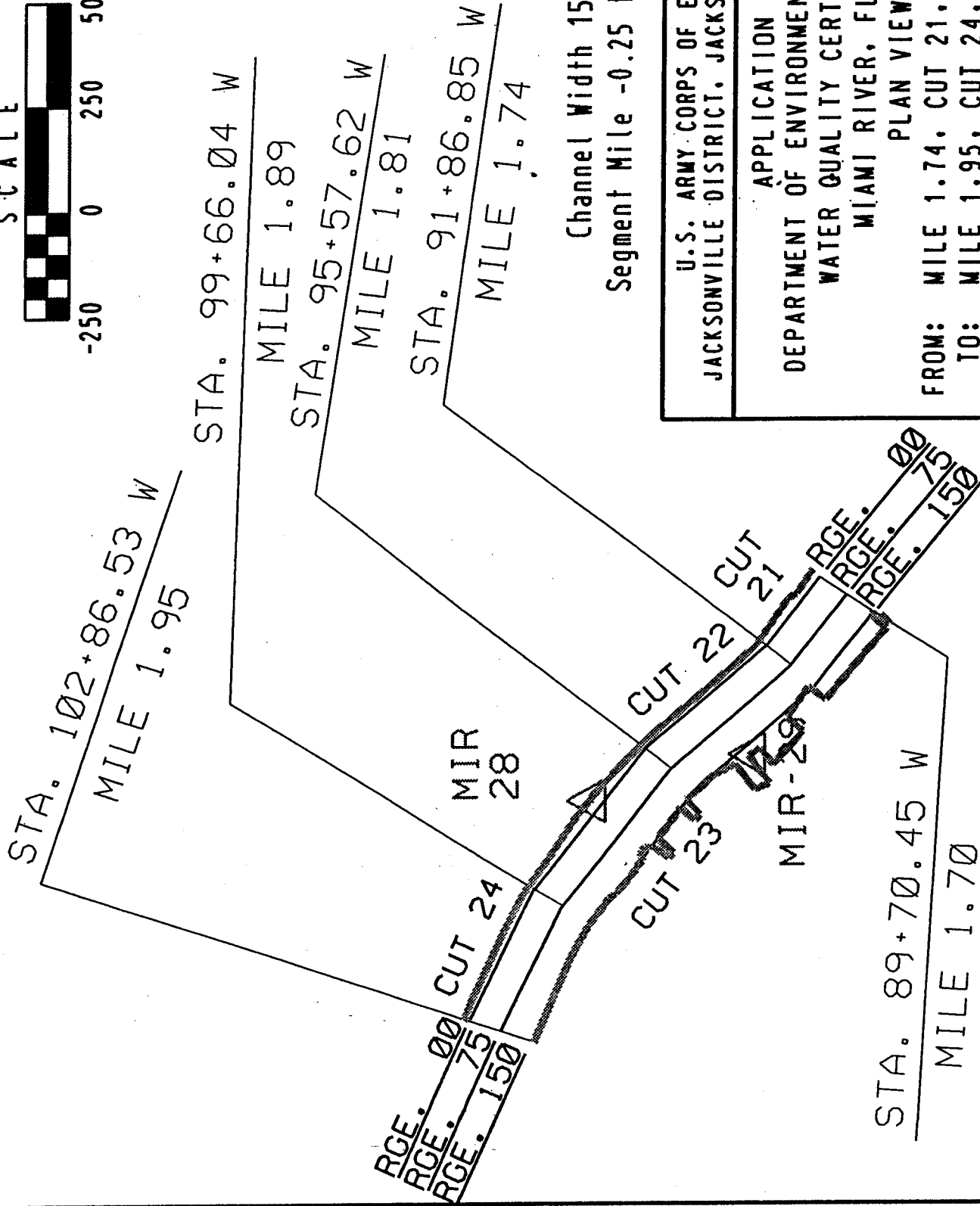
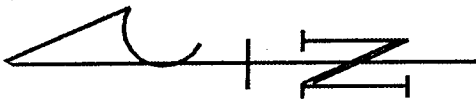
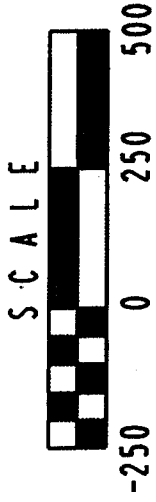
U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA
PLAN VIEW

FROM: MILE 1.35, CUT 16, STA 71+43.90 W
TO: MILE 1.70, CUT 20, STA 89+70.45 W

REV: NOV 00 SHEET 7 OF

PERMIT NO. 180701001



Channel Width 150 Ft.
Segment Mile -0.25 thru 2.93

U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

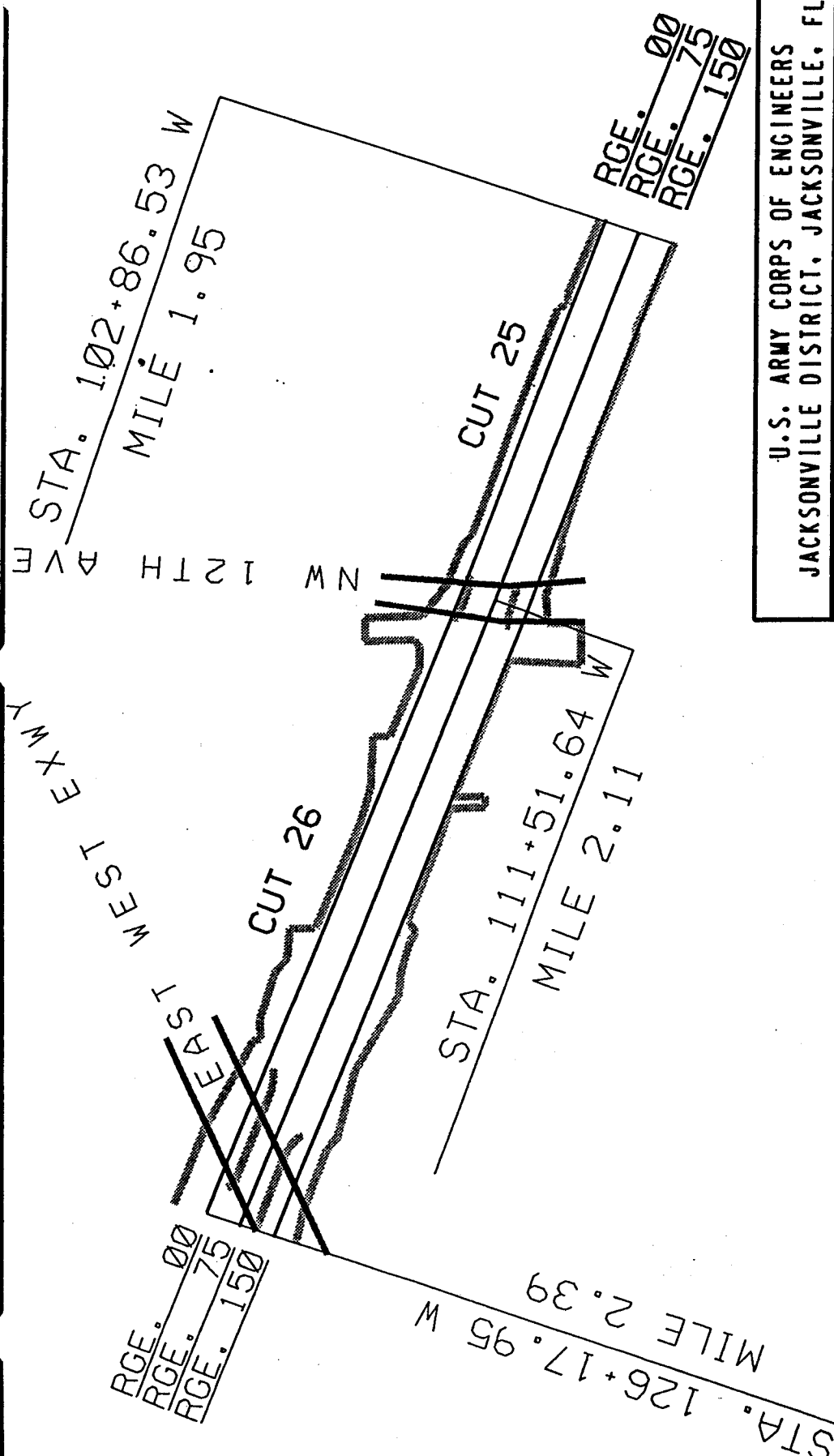
APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA
PLAN VIEW

FROM: MILE 1.74, CUT 21, STA 89+70.45 W
TO: MILE 1.95, CUT 24, STA 102+86.53 W

REV: NOV 00

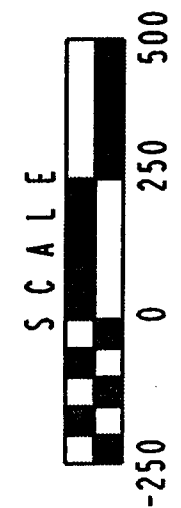
SHEET 8 OF

PERMIT NO. 180701001



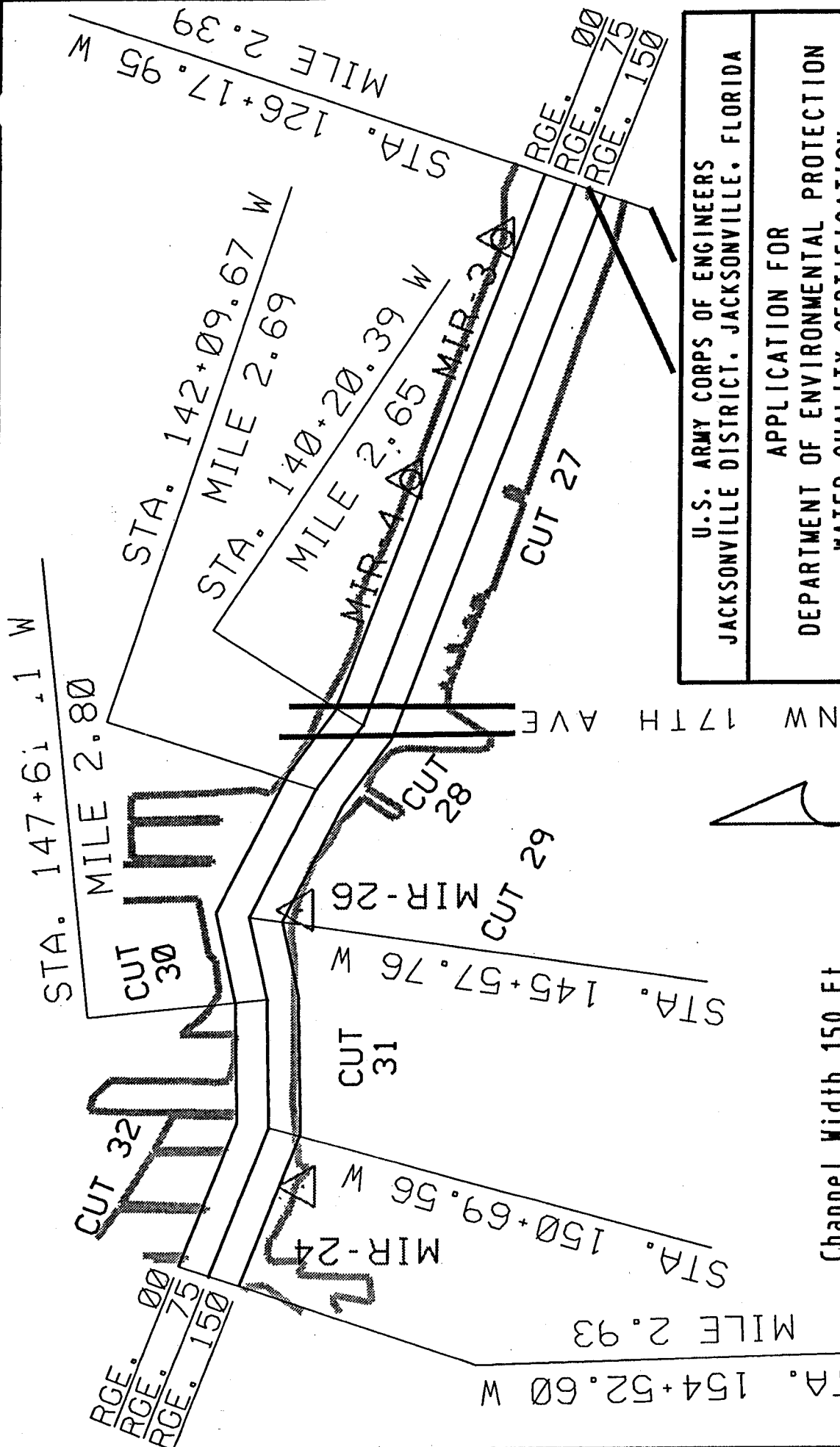
Channel Width 150 Ft.
Segment Mile -0.25 thru 2.93

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 & COASTAL SYSTEMS

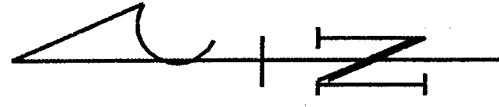
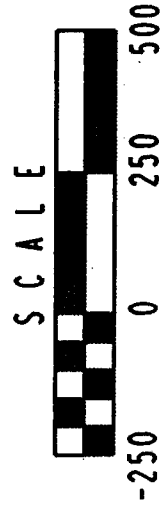


U.S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA	
APPLICATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION WATER QUALITY CERTIFICATION MIAMI RIVER, FLORIDA PLAN VIEW	
FROM: MILE 1.95, CUT 25, STA 102+86.53 W TO: MILE 2.39, CUT 26, STA 126+17.95 W	REV: NOV 00 SHEET 9 OF

PERMIT NO. 180701001



Channel Width 150 Ft.
 Segment Mile -0.25 thru 2.93



U.S. ARMY CORPS OF ENGINEERS
 JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

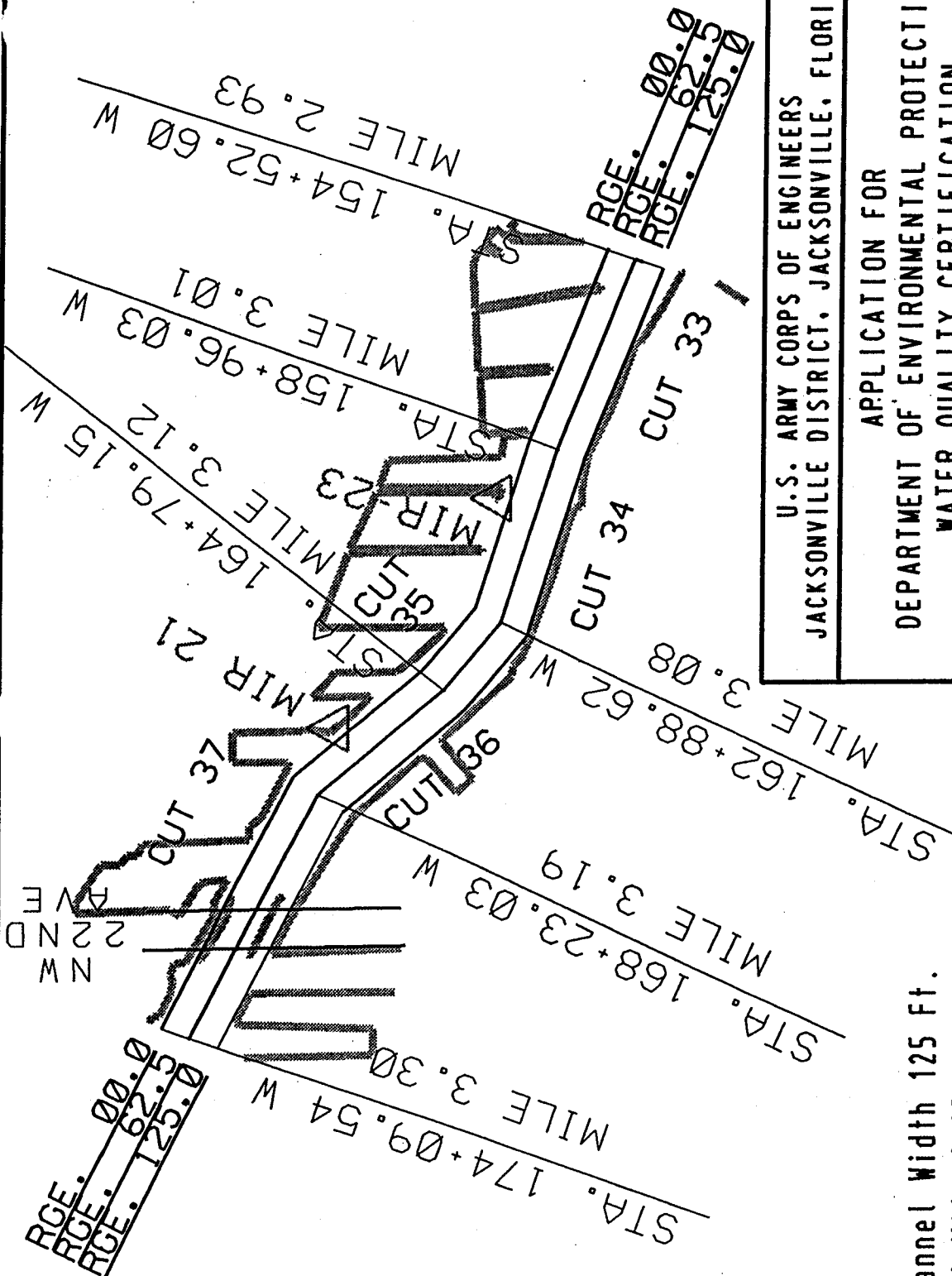
APPLICATION FOR
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 WATER QUALITY CERTIFICATION
 MIAMI RIVER, FLORIDA

PLAN VIEW

FROM: MILE 2.39, CUT 27, STA 128+17.95 W
 TO: MILE 2.93, CUT 32, STA 154+52.60 W

REV: NOV 00 SHEET 10 OF

PERMIT NO. 180701001



Channel Width 125 Ft.
Segment Mile 2.93 thru 4.19

SCALE



-250 0 250 500

U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

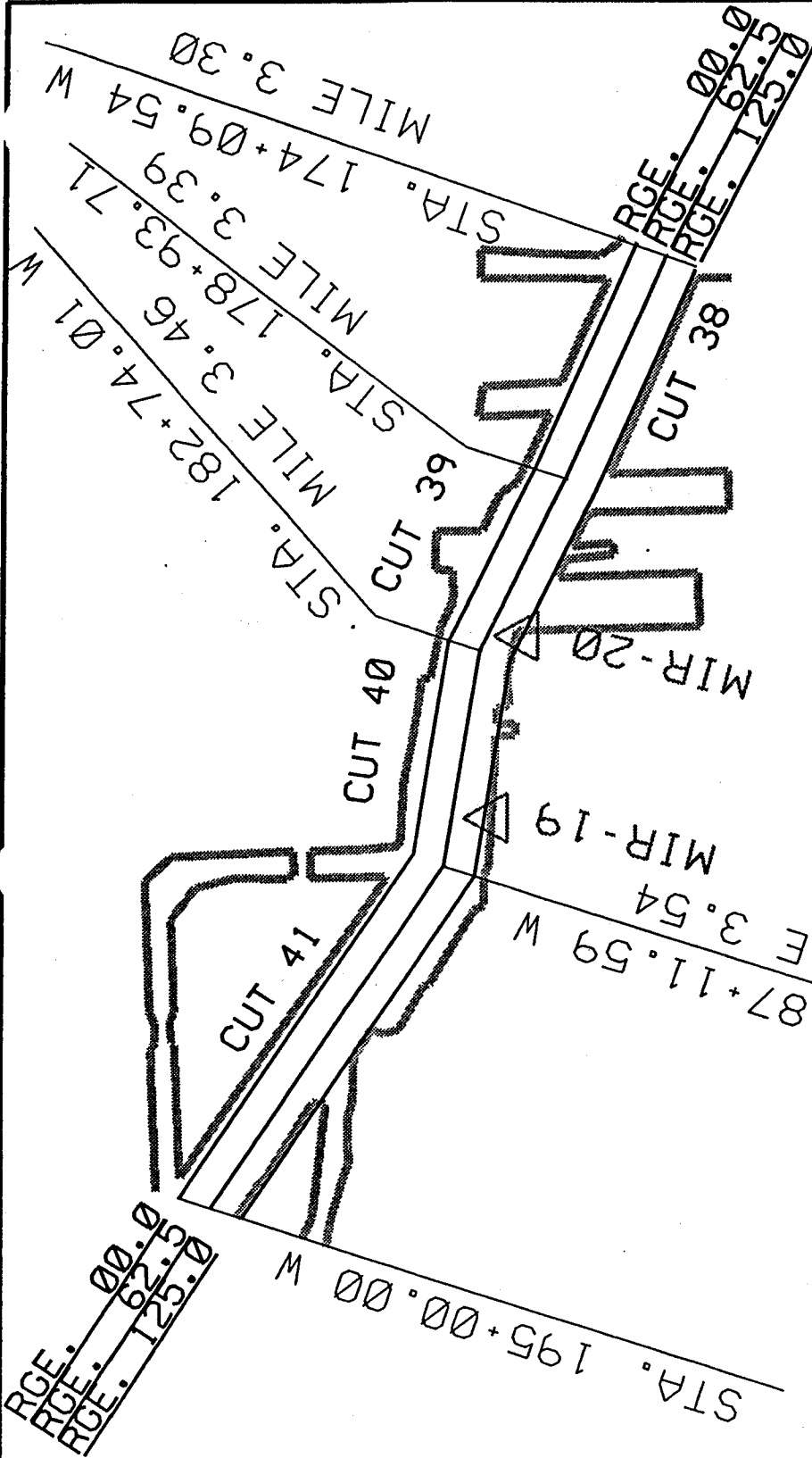
APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA

PLAN VIEW

FROM: MILE 2.93, CUT 33, STA 154+52.60 W
TO: MILE 3.30, CUT 37, STA 174+09.54 W

REV: NOV 00 SHEET 11 OF

PERMIT NO. 180701001



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Channel Width 125 Ft.
Segment Mile 2.93 thru 4.19

SCALE



-250 0 250 500

U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA

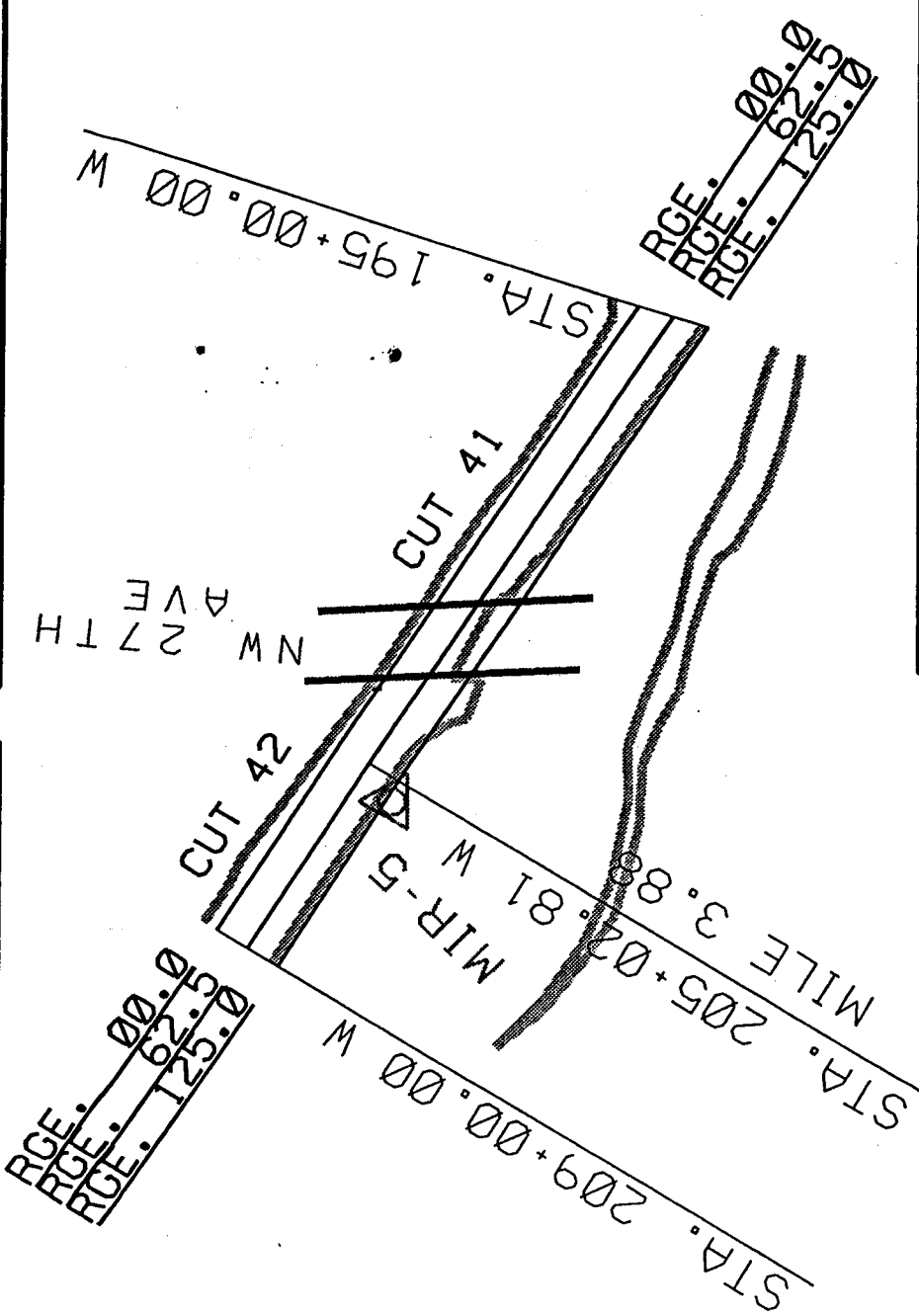
PLAN VIEW

FROM: MILE 3.30, CUT 38, STA 174+09.54 W
TO: CUT 41, STA 195+00.00 W

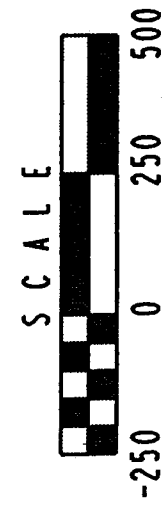
REV: NOV 00

SHEET 12 OF

PERMIT NO. 180701001



Channel Width 125 Ft.
 Segment Mile 2.93 thru 4.19



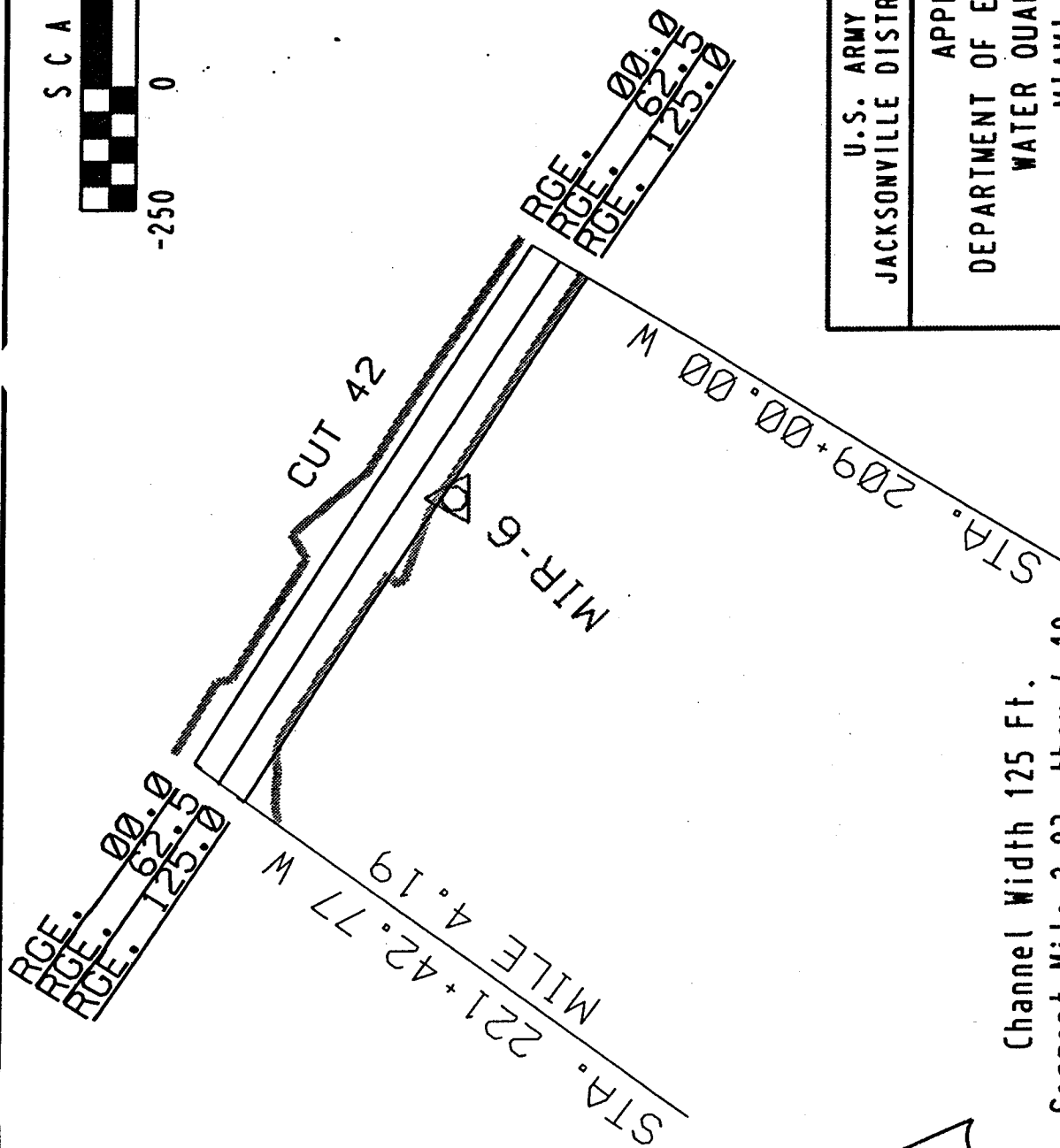
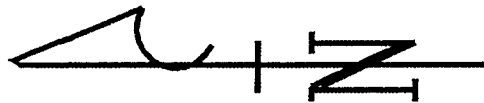
U.S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA	
APPLICATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION WATER QUALITY CERTIFICATION MIAMI RIVER, FLORIDA PLAN VIEW	
FROM: CUT 41, STA 195 W TO: CUT 42 STA 209 W	REV: NOV 00 SHEET 13 OF

PERMIT NO. 180701001

S C A L E



-250 0 250 500



Channel Width 125 Ft.
Segment Mile 2.93 thru 4.19



U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA

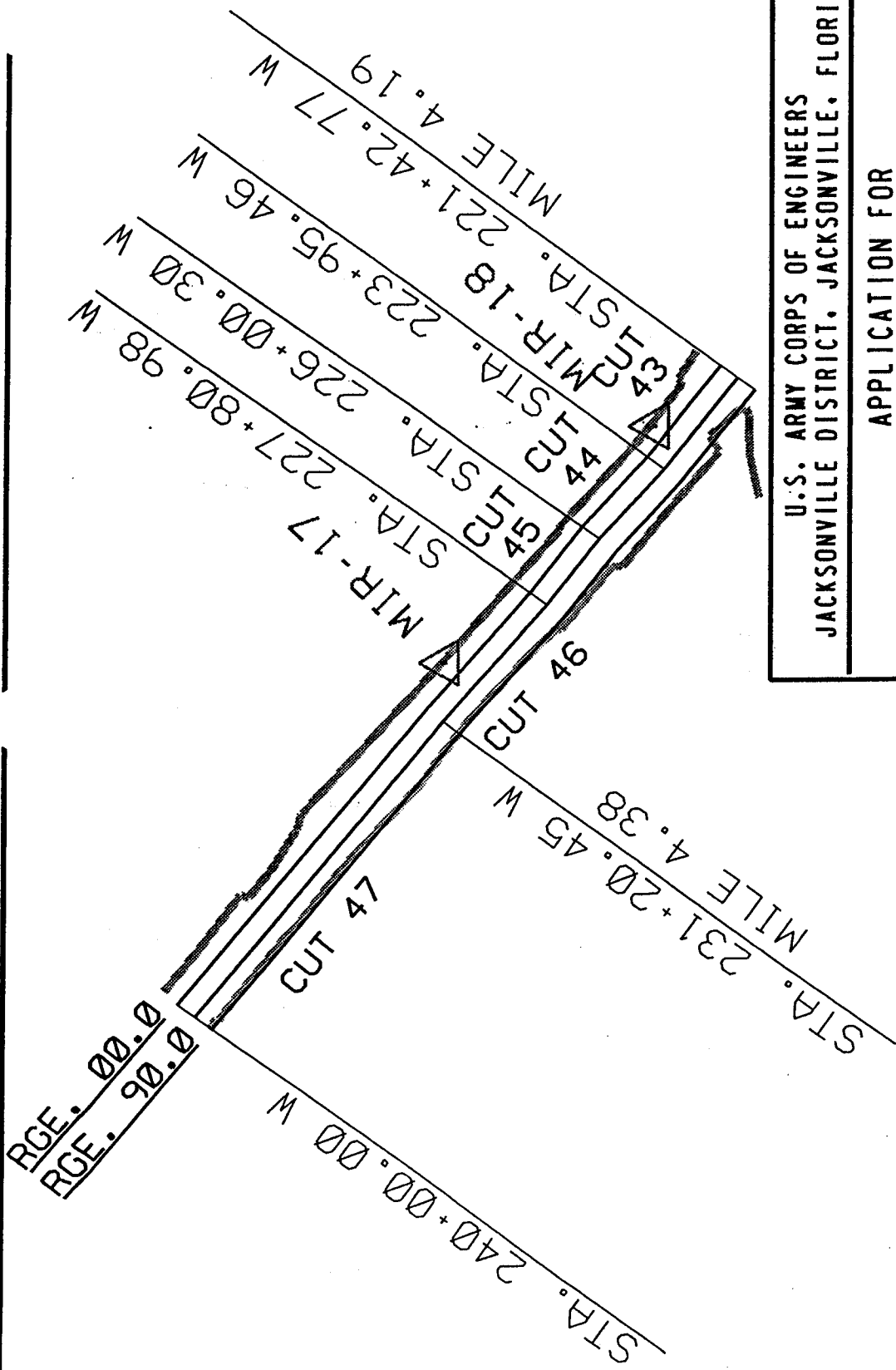
PLAN VIEW

FROM: CUT 42, STA 209+00.00 W
TO: MILE 4.19, CUT 42, STA 221+42.77 W

REV: NOV 00

SHEET 14 OF

PERMIT NO. 180701001



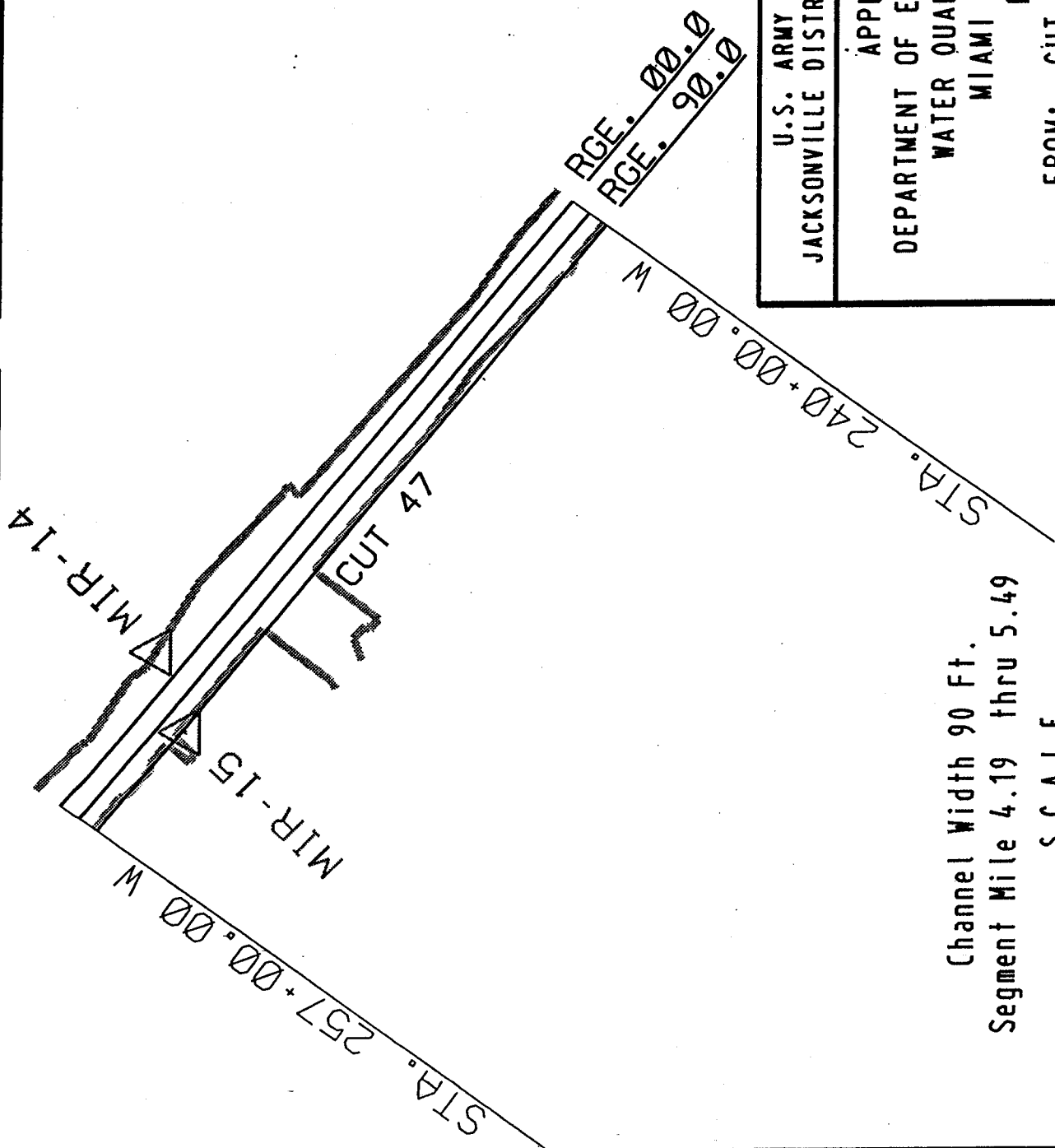
U.S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA	
APPLICATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION WATER QUALITY CERTIFICATION MIAMI RIVER, FLORIDA PLAN VIEW	
FROM: MILE 4.19, CUT 43, STA 221+42.77 W TO: CUT 47, STA 240+00.00 W	REV: NOV 00 SHEET 15 OF

RECEIVED

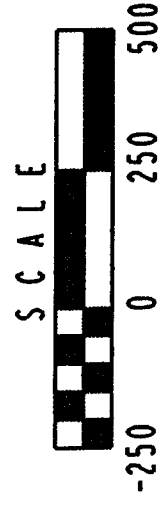
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PERMIT NO. 180701001



Channel Width 90 Ft.
 Segment Mile 4.19 Thru 5.49



U.S. ARMY CORPS OF ENGINEERS
 JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

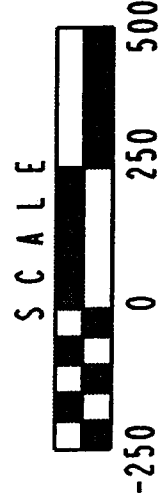
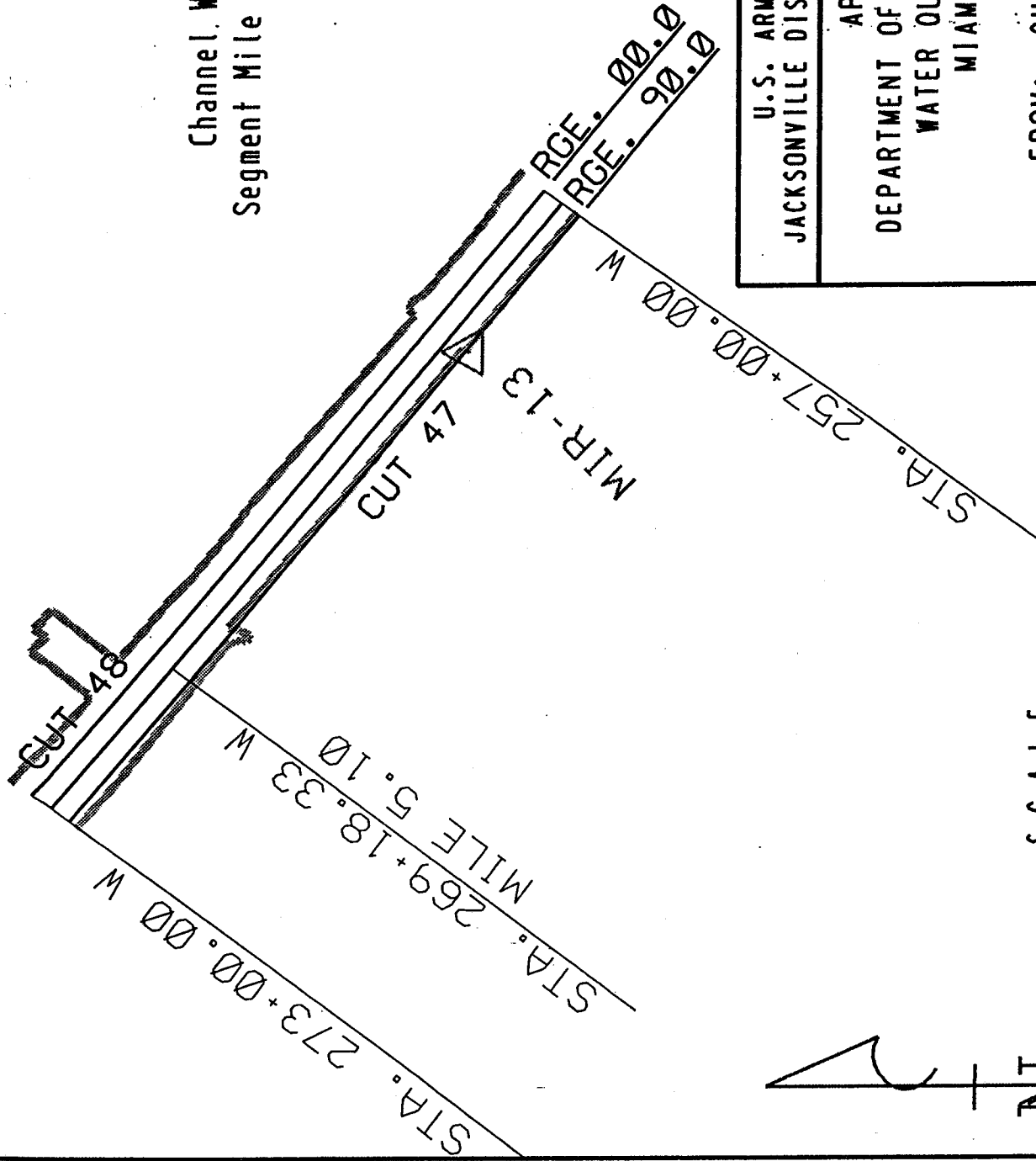
APPLICATION FOR
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 WATER QUALITY CERTIFICATION
 MIAMI RIVER, FLORIDA
 PLAN VIEW

FROM: CUT 47, STA 240+00.00 W
 TO: CUT 47, STA 257+00.00 W

REV: NOV 00 SHEET 16 OF

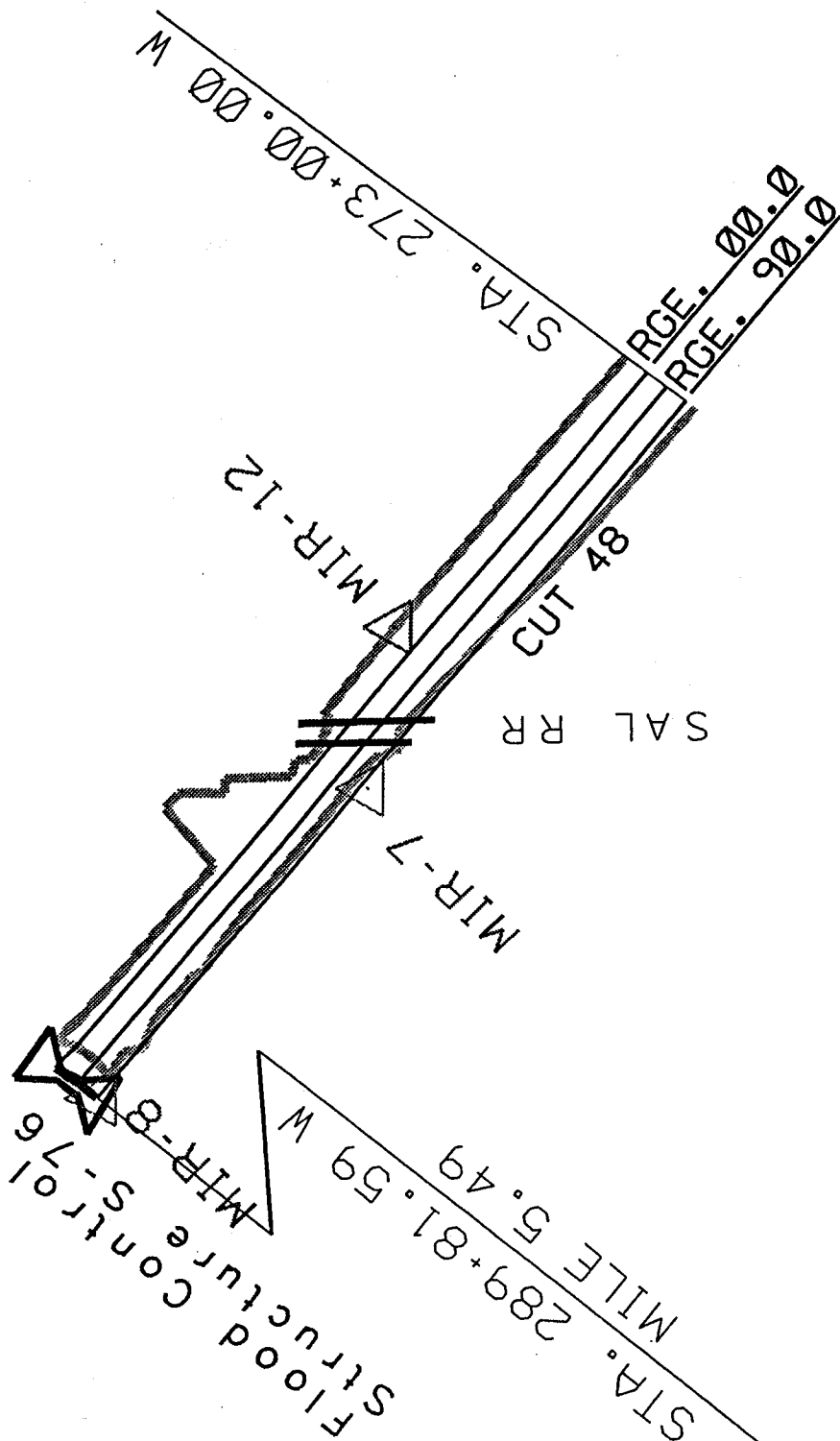
PERMIT NO. 180701001

Channel Width 90 Ft.
Segment Mile 4.19 thru 5.49



U.S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA	
APPLICATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION WATER QUALITY CERTIFICATION MIAMI RIVER, FLORIDA PLAN VIEW	
FROM: CUT 47, STA 257+00.00 W	
TO: CUT 48, STA 273+00.00 W	
REV: NOV 00	SHEET 17 OF

PERMIT NO. 180701001



U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA

PLAN VIEW

FROM: CUT 48, STA 273 00.00+ W
TO: MILE 5.49, CUT 48, STA 289+81.59 W

REV: NOV 00 SHEET 18 OF

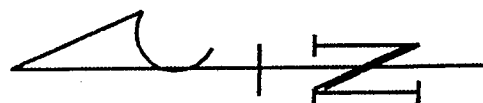
RECEIVED

FEB 21 2001

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& COASTAL SYSTEMS

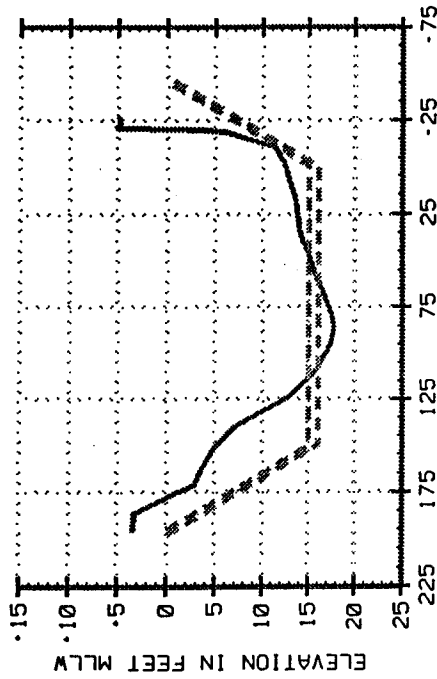
Channel Width 90 Ft.
Segment Mile 4.19 thru 5.49

SCALE

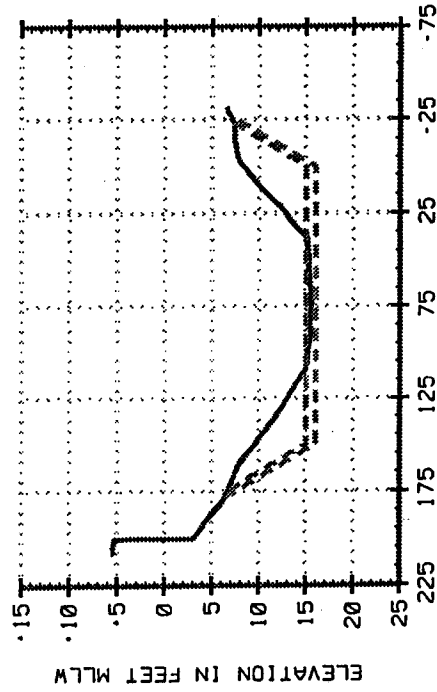


PERMIT NO. 180701001

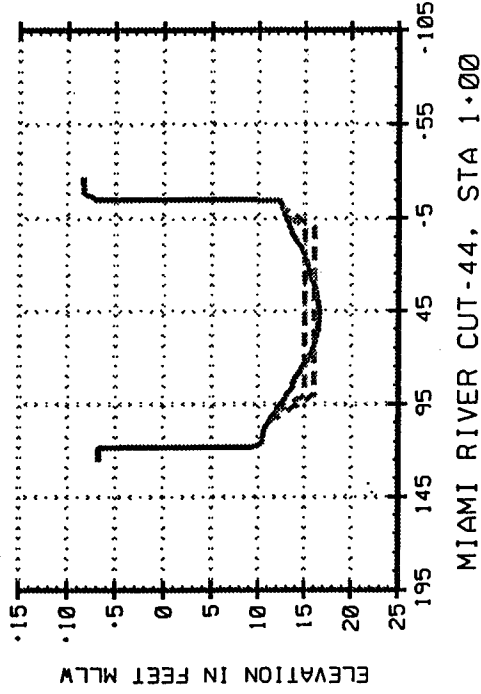
CHANNEL WIDTH 150 FT.
SEGMENT MILE -0.25 THRU 2.93



CHANNEL WIDTH 125 FT.
SEGMENT MILE 2.93 THRU 4.19



CHANNEL WIDTH 90 FT.
SEGMENT MILE 4.19 THRU 5.49



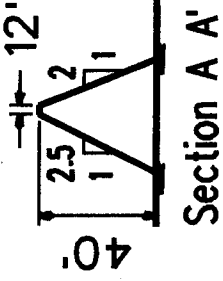
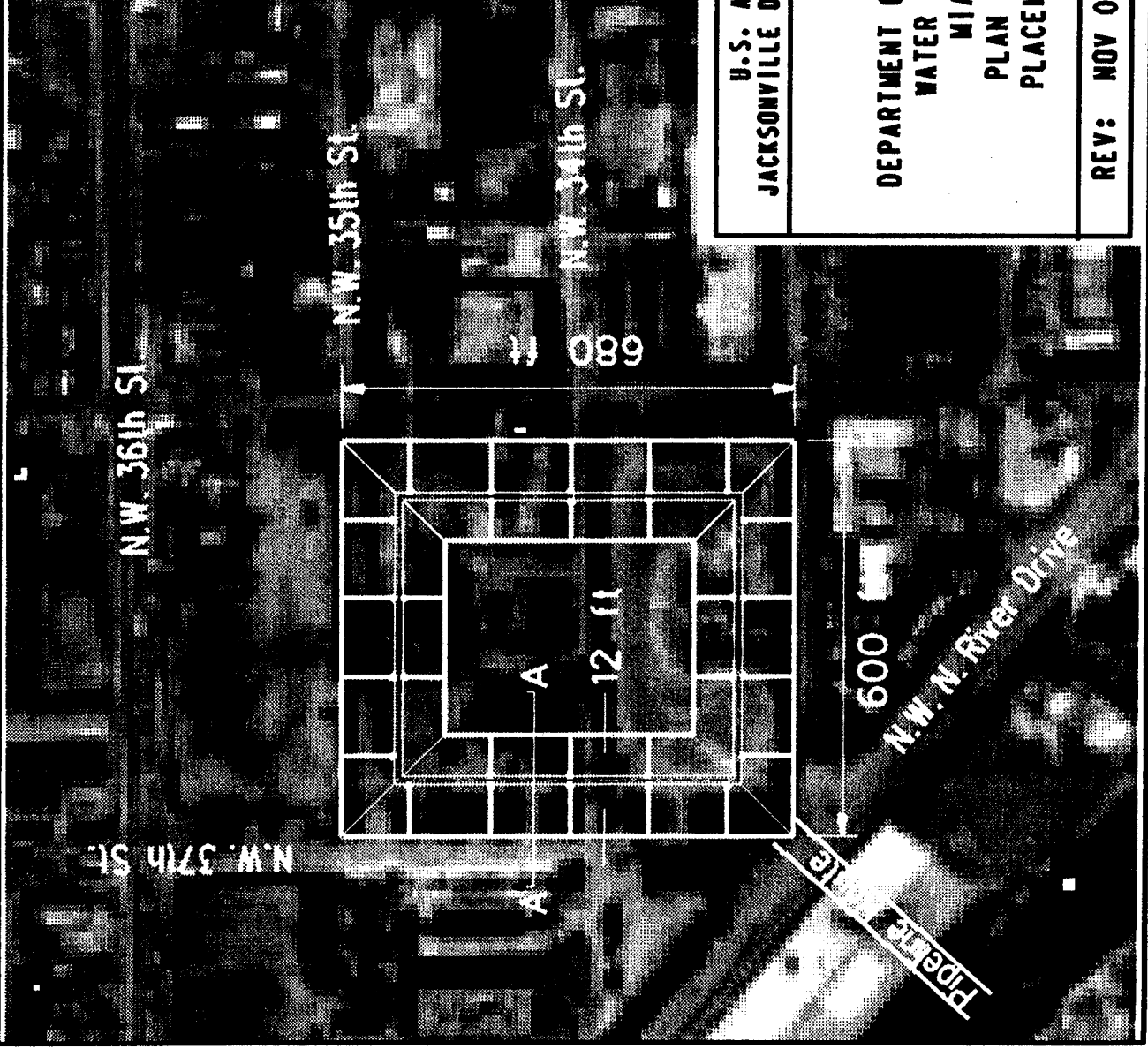
Note: See Specific Condition #19.

U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA
TYPICAL CROSS SECTIONS
CUTS 13, 32 & 44

REV: NOV 00 SHEET 19 OF

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NOTE: Pipeline Route utilizes
culvert that passes under
NW North River Drive and
factory to River.



U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA

APPLICATION FOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER QUALITY CERTIFICATION
MIAMI RIVER, FLORIDA
PLAN VIEW & CROSS SECTION
PLACEMENT AREA ON AIRPHOTO

REV: NOV 00 SHEET 20 OF

PERMIT NO. 180701001